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SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



JASON KANDER
SECRETARY OF STATE

MISSOURI REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.



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69%

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Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 1—Organization and Administration

EMERGENCY AMENDMENT

11 CSR 45-1.100 Waivers and Variances. The commission is amending section (1).

PURPOSE: This amendment adds references to a new *Code of State Regulations* chapter and a new *Missouri Revised Statutes* section.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an

annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment adds reference to a new *Code of State Regulations* chapter and a new *Missouri Revised Statutes* section to include regulatory procedures regarding waivers and variances requested by fantasy sports contest applicants and licensed operators.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–[31] 40 of the *Code of State Regulations* upon a licensee's written application, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and 313.1010, RSMo.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014*, [and] section 313.805, *RSMo [2000] Supp. 2013*, and section 313.1010, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

EMERGENCY AMENDMENT

11 CSR 45-3.010 Commission Records. The commission is amending section (5).

PURPOSE: This amendment adds a statutory citation for fantasy sports.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in *HB 1941 (2016)*, specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, *HB 1941* requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fan-

tasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment addresses the limitations on disclosure of records of fantasy sports contest applicants and licensed operators by the commission.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(5) Except as otherwise required under sections 313.847.1 and 313.1000.1, *RSMo*, all investigatory, proprietary or application records, information, and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014*, section 313.805, *RSMo Supp. 2013*, [and] section 313.847, *RSMo 2000*, and section 313.1000, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

EMERGENCY RULE

11 CSR 45-13.054 Fantasy Sports Contest Hearings

PURPOSE: This rule sets forth procedures for hearings related to Fantasy Sports Contest applicants and licensees.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in *HB 1941 (2016)*, specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them

to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule sets forth procedures for hearings related to fantasy sports contest applicants and licensed operators.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) A person whose application for a fantasy sports contest operator license has been denied or against whom a disciplinary action has been initiated may request a hearing under this chapter. The rules in this chapter shall be read together with Chapter 536, RSMo.

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for, or holder of, a license of the type that may be issued by the director pursuant to 11 CSR 45-40.

(3) Whenever the commission finds an applicant unsuitable or ineli-

gible for licensing, the commission shall notify the applicant in writing outlining the reasons for the finding. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(4) When notified of facts sufficient to support disciplinary action against a fantasy sports contest operator licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the proposed disciplinary action, in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

(7) Upon receiving findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address. Following the hearing the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 13—Hearings

EMERGENCY AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is amending section (1).

PURPOSE: This amendment adds entities that conduct fantasy sports contests to the list of licensees against which the commission can act to immediately suspend the privileges under a license where the public health, safety, or welfare is endangered and preservation of the public interest or statutory provisions requires such suspension of privileges.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for immediately suspending the privileges under a fantasy sports contest operator license where the public health, safety, or

welfare is endangered and preservation of the public interest or statutory provisions require such suspension of privileges.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of sections 313.004 to 313.090, RSMo, [or] sections 313.800 to 313.850, RSMo, or sections **313.900 to 313.1020, RSMo**, or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety, or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies[.]; or

(G) Conduct fantasy sports contests.

The director shall have notice of the emergency order personally served upon the licensee or, if the licensee is not available personally, it may be served by certified mail or overnight express mail, postage prepaid.

AUTHORITY: sections 313.004[,] and 313.800, *RSMo Supp. 2014*, sections 313.052[,] and 313.560, *RSMo 2000*, [and] section 313.805, *RSMo [1994] Supp. 2013*, and sections 313.920, 313.970, and 313.1010, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 13—Hearings

EMERGENCY AMENDMENT

11 CSR 45-13.065 Settlements. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds fantasy sports contests operators to the types of licensees who would be covered by this rule.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators

already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for fantasy sports contest operators to follow regarding settlements and settlement offers.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The parties may initiate settlement negotiations at any stage of the proceedings, including prior to the initiation of the proceedings before the Administrative Hearing Commission in the case of a bingo or fantasy sports contest hearing, or prior to the entry of a final order of the commission.

(2) If the parties initiate settlement negotiations in a bingo or fantasy

sports contest hearing, then the provisions of section 621.045, RSMo shall be followed. All other settlements not involving a bingo or fantasy sports contest licensee shall be governed by Chapter 313, RSMo, and the rules in this chapter.

AUTHORITY: sections 313.052 and 313.560, RSMo 2000, sections 313.805 and 621.045, RSMo Supp. 2013, [and] sections 313.004 and 313.800, RSMo Supp. 2014, and sections 313.920, 313.970, and 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expired June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 17—Voluntary Exclusions

EMERGENCY AMENDMENT

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons. The commission is amending section (1).

PURPOSE: This amendment allows the disclosure of the List of Disassociated Persons to licensed fantasy sports contest operators.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must

also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for the disclosure of the List of Disassociated Persons and notice to fantasy sports contest operators under certain conditions.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. Such notice shall be a closed record to the extent provided for in sections 313.847, **313.1000**, and 610.021, RSMo[;], provided the application and notice may be disclosed to all Class B licensees and licensed fantasy sports contest operators, and their agents and employees.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014*, [and] section 313.813, *RSMo 2000*, [and] section 313.805, *RSMo Supp. [2011] 2013*, and sections 313.1000 and 313.1020, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 17—Voluntary Exclusions

EMERGENCY AMENDMENT

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons. The commission is adding a new section (4).

PURPOSE: This amendment adds confidentiality requirements for fantasy sports contest operators.

EMERGENCY STATEMENT: This emergency amendment is necessary to address statutory sections enacted in HB 1941 (2016), specif-

ically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency amendment provides regulatory procedures for fantasy sports contest operators to follow regarding the confidentiality requirements associated with the List of Disassociated Persons.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed amendment covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency amendment is

fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(4) The director may notify each licensed Fantasy Sports Contest Operator (FSCO) of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List pursuant to 11 CSR 45-17.060, and may disclose to the licensed FSCO and any of its agents or employees any or all information contained on the person's application(s).

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, [and] section 313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.010 Definitions

PURPOSE: This rule provides definitions for terms used relating to Fantasy Sports Contests (FSCs).

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from

awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides definitions for terms used relating to fantasy sports contests.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Authorized internet website—an internet website or any platform operated by a licensed operator.

(2) Entry fee—anything of value including, but not limited to, contest credit, free entry, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.

(3) Fantasy sports contest (FSC)—any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:

(A) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;

(B) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and

(C) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

(4) Fantasy sports contest operator (FSCO)—any person or entity that offers FSCs for a prize.

(5) Highly experienced player— a person who has either:

(A) Entered more than one thousand (1,000) contests offered by a single FSCO; or

(B) Won more than three (3) fantasy sports prizes of one thousand dollars (\$1,000) or more.

(6) Key person—an officer, director, trustee, or principal salaried executive staff officer.

(7) Licensed operator—a FSCO licensed pursuant to section 313.920, RSMo to offer FSCs for play on an authorized internet website in Missouri.

(8) Net revenue—for all FSCs, the amount equal to the total entry fees collected from all participants entering such FSCs less winnings paid to participants in the contests, multiplied by the resident percentage.

(9) Officer—the president, vice-president, treasurer, secretary, and other officer identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner.

(10) Principal salaried executive staff officers—means the president, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions for the FSCO. Executive officers of subsidiaries may be deemed executive officers of the FSCO if they perform such policy making functions for the FSCO.

(11) Prize—anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded.

(12) Resident percentage—for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent (.1%), of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests.

AUTHORITY: sections 313.1010 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License

PURPOSE: This rule provides requirements for becoming licensed as a fantasy sports contest operator (FSCO).

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing

them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow when applying for a license.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Fantasy Sports Contest Operator Application and the FSCO Personal Disclosure Form may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A fantasy sports contest operator (FSCO) license is a license granted by the Missouri Gaming Commission (commission) to allow a person or entity to offer fantasy sports contests (FSCs) for play by Missouri residents in accordance with the Missouri Fantasy Sports Consumer Protection Act (The Act).

(2) Application for licensure shall be made on the Fantasy Sports Contest Operator Application (Application), which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The Application does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(3) The applicant shall be responsible for ensuring the FSCO Personal Disclosure Form is completed by each key person, employee, and any other individual as directed by the commission. The requested FSCO Personal Disclosure Forms and the required fingerprint sets shall be submitted within thirty (30) days of the commission's request. The commission adopts and incorporates by reference herein, the FSCO Personal Disclosure Form, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The FSCO Personal Disclosure Form does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(4) The applicant shall be responsible for keeping the Application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the Application, and this responsibility shall continue throughout any period during which an Application is being considered by the commission. All updates to Applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any Application update is not made in this manner, the commission may deem the update ineffective.

(5) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the Application, regarding matters related to the applicant or licensee or the proposed operation, including but not limited to, the involvement of any individual in the proposed or licensed operations of the applicant or licensee.

(6) No license shall be issued to an applicant until the applicant has provided all of the required forms and requested documents pursuant to this rule.

(7) The FSCO license expires one (1) year after the date of issuance. The licensed FSCO shall submit the renewal application at least four (4) months prior to the expiration date of the FSCO license.

AUTHORITY: sections 313.920, 313.950, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.030 Commission Approval of Procedures

PURPOSE: This rule establishes the process for approval of fantasy sports contest operators' procedures.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding submission and approval of their procedures, in accordance with the statutory requirements.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri

Register. *The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.*

(1) Prior to operating in Missouri, each applicant for a Fantasy Sports Contest Operator (FSCO) License shall submit procedures to the commission that—

(A) Prevent unauthorized withdrawals from a registered player's account by the licensed operator or others;

(B) Make clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(C) Segregate player funds from operational funds;

(D) Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(E) Ensure any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight (48) hours of winning the prize;

(F) Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five (5) business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.1020, RSMo, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer, or by the custodian of a financial account;

(G) Allow a registered player to permanently close their account at any time for any reason; and

(H) Offer registered players access to their play history and account details.

(2) Each applicant shall submit the written description of its procedures and all supporting documents designed to satisfy the requirements of section (1) of this rule to the commission with the initial application, unless otherwise directed by the commission.

(3) The commission shall review each submission required by section (2) of this rule and Chapter 313, RSMo and shall determine whether it conforms to the requirements of section (1) of this rule and whether the procedures submitted satisfy the requirements. If the commission finds any insufficiencies, they shall be specified in writing to the licensee, who shall make appropriate alterations. No FSCO license shall be issued unless and until the procedures are approved by the commission.

(4) Once approved, no licensed operator shall alter its procedures unless and until the change is approved by the commission.

(5) Each licensed operator shall submit to the commission any change to the approved procedures no less than fifteen (15) days prior to the planned implementation date of the change. The proposed change to the procedures shall be approved or disapproved by the commission. Upon approval, the change may be implemented. If the change is disapproved, the licensed operator shall not implement the change.

(6) If at any time the commission determines that a licensed operator's procedures are inadequate or do not comply with the requirements of this chapter or Chapter 313, RSMo, the commission shall notify the licensed operator in writing. Within fifteen (15) days after receiving the notification, the licensed operator shall amend its procedures accordingly and shall submit a copy of the procedures, as amended, and a description of any other remedial measures taken.

(7) If a licensed operator plans to disseminate the List of Disassociated Persons (DAP List), the operator shall submit to the commission a plan for the dissemination of the information regarding persons placed on the DAP List, as well as persons who have been removed from the DAP List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the personnel responsible for removing a person on the DAP List from all individually targeted advertising or marketing. Licensed operators may not disclose the name of, or any information about, a person who has been placed on or removed from the DAP List to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information. The plan must be approved by the commission prior to disseminating the information. All information disclosed to any licensed operator regarding anyone placed on or removed from the DAP List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the DAP List, by law, and through the provisions contained in 11 CSR 45-17.

AUTHORITY: *sections 313.930, 313.940, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.*

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.040 Fantasy Sports Contest Operator Responsibilities

PURPOSE: *This rule establishes the commission's access to information, the applicant's duty to disclose changes in information, and the licensed operator's duty to report and prevent misconduct. This rule is designed to assure that the commission receives timely information that may impact on an applicant's or licensee's suitability.*

EMERGENCY STATEMENT: *This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.*

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the

Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding providing the commission access to licensee and applicant information, the licensee's and applicant's duty to disclose changes in information, as well as the licensed operator's duty to report and prevent misconduct and provide such information to the commission in a timely manner, as it may impact the suitability of an applicant or licensee.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) All licensed operators shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven (7) days, or less if the commission so orders.

(2) All licensed operators of and applicants for Fantasy Sports Contest Operator (FSCO) licenses issued by the commission shall have a continuing duty to disclose in writing, within ten (10) calendar days for an applicant and thirty (30) calendar days for a licensee, any

material change in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.

(3) The duty to disclose changes in information shall continue throughout any application period or period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.1000, RSMo; or other information that might affect an applicant or licensed operator's suitability to hold a FSCO license, including, but not limited to, significant changes in financial condition, legally defaulting on a debt owed to the State of Missouri, arrests, convictions, guilty pleas, disciplinary actions, or license denial, suspension, or revocation in other jurisdiction(s).

(5) Licensed operators shall promptly report to the commission any facts which the licensed operator has reasonable grounds to believe indicate a violation of law or commission rule committed by licensed operators, their key persons, or their employees, including, without limitation, the performance of licensed activities different from those permitted under their license.

(6) In addition to all other reporting requirements, FSCO license applicants and licensed operators shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative, or prosecutorial agency of a violation of a rule, regulation, or statute relating to licensed gambling, fantasy sports contests, Securities and Exchange Commission (SEC) regulations, or criminal offenses:

- (A) The applicant or licensed operator;
- (B) The applicant's or licensed operator's parent corporation;
- (C) Any subsidiary of the applicant's or licensed operator's parent corporation;
- (D) The applicant's or licensed operator's key persons or employees;
- (E) Any key person of the applicant's or licensed operator's parent corporation; or
- (F) Any key person of any subsidiary of the applicant's or licensed operator's parent corporation.

AUTHORITY: sections 313.920, 313.930, 313.950, 313.960, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 45—Missouri Gaming Commission Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators

PURPOSE: This rule provides operational requirements for fantasy sports contest operators (FSCOs).

EMERGENCY STATEMENT: This emergency rule is necessary to

address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding operational requirements, as well as requirements for licensees to maintain and provide the commission with documentation of its procedures for complying with the provisions of Chapter 313, RSMo.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections

extended in the **Missouri and United States Constitutions**. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Each licensed operator shall maintain on file with the commission the following:

(A) A current set of procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints;

(B) A current detailed description of the security standards utilized to prevent access to fantasy sports contests (FSC) by a person whose location and age have not been verified in accordance with section 313.940, RSMo;

(C) A detailed description of measures used to determine the true identity, date of birth, and address of each player seeking to open an account;

(D) A detailed description of the measures taken and procedures implemented to clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any FSC;

(E) A detailed description of the standards and procedures used to monitor FSC to detect the use of unauthorized scripts and restrict players found to have used such scripts from further FSC;

(F) A detailed description of its procedures and measures taken to clearly and conspicuously identify highly experienced players in FSC by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website; and

(G) A detailed description of its online self-exclusion process.

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within five (5) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.940, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.930 and 313.940, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including, but not limited to, independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

(5) Upon discovery of a registered account held by a minor, the FSC shall promptly refund any money held in a minor's account, whether or not the minor has engaged in or attempted to engage in game play. A FSC may refuse to award a prize to a minor upon a good-faith determination, following reasonable investigation, that the minor misrepresented his or her age in order to enter the FSC, provided, however, that such prize must then be awarded to another participant in the contest who would have won the prize had the minor not participated.

(6) Prior to conducting any individually targeted advertising or marketing, but not more than once a week, the licensed operator shall do the following:

(A) Download the current List of Disassociated Persons (DAP List) and the MGC Excluded Persons List from the designated MGC server;

(B) For email marketing campaigns, compare the email addresses from the marketing list to the DAP List and the MGC Excluded Persons List and remove anyone whose email address is found to be on either List (DAP or Excluded);

(C) For direct mail marketing campaigns to non-registered players, search and remove from the marketing list any person who has the same name and address of any person found to be on either List (DAP or Excluded); and

(D) For direct mail marketing campaigns to registered players, search and remove from the marketing list any player who has the same date of birth, first or last name, and address of an individual on either List (DAP or Excluded).

(7) If a licensed operator ceases offering fantasy sports contests in Missouri, the licensed operator shall notify the commission of the date of cessation. Notice shall be provided within ten (10) days of the cessation.

AUTHORITY: sections 313.930, 313.940, 313.950, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

EMERGENCY RULE

11 CSR 45-40.060 Cash Reserve and Segregated Account Requirements

PURPOSE: This rule addresses the minimum cash reserve and segregated account requirements and the required procedures and documentation for those reserves and segregated accounts.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for “grandfathering in” fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players’ funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit

to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player’s age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule establishes regulatory procedures for fantasy sports contest operators to follow regarding the minimum cash reserves requirement, as well as setting forth the required documentation.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) The licensed operator shall maintain in the form of cash or cash equivalents the amount of the deposits made to the accounts of Missouri fantasy sports contest players for the benefit and protection of the funds held in such accounts. For purposes of this rule cash equivalents are investments with an original maturity of three (3) months or less.

(2) Funds held in player accounts of Missouri residents shall be protected as set forth herein. A fantasy sports operator shall maintain a reserve in the form of cash, cash equivalents, or a combination thereof to protect player funds in one (1) of the following ways:

(A) Cash Reserve.

1. The amount of the reserve shall be equal to, at a minimum, the sum of all registered players’ funds held in player accounts of Missouri residents.

2. The reserve agreements must reasonably protect the reserve against claims of the operator’s creditors other than the authorized players for whose benefit and protection the reserve is established, and must provide the following:

A. The reserve shall be established and held in trust for the benefit and protection of authorized players to the extent the licensed

operator holds money in player accounts for players;

B. The reserve must not be released, in whole or in part, except upon written instruction or approval of the commission. The reserve must be available within ninety (90) days of written demand or written instruction. If the reserve is released to the commission, the commission may interplead the funds in the circuit court of Cole County for distribution to the authorized players for whose protection and benefit the account was established and to the other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both;

C. The licensed operator may receive income accruing on the reserve, without obtaining permission from the commission; and

D. The licensed operator has no interest or title to the reserve.

3. The reserve must be held or issued by a federally insured financial institution and must be established pursuant to a written agreement between the licensed operator and the financial institution.

4. The proposed reserve arrangement is not effective for purposes of complying with section 313.930.3(4), RSMo until the commission's written approval has been obtained.

5. The reserve arrangement agreements may be amended only with the prior written approval of the commission; and

(B) Special purpose segregated account with a separate corporate entity.

1. A fantasy sports contest operator may establish a special purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the fantasy sports contest operator and whose governing board includes one (1) or more corporate directors who are independent of the fantasy sports contest operator and of any corporation related to, or controlled by, the fantasy sports contest operator.

2. The special purpose segregated account with a separate corporate entity must hold, at a minimum, the sum of all authorized player funds held in player accounts of Missouri residents for use in fantasy sports contests.

3. The special purpose segregated account must reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose segregated fund is established, and must provide that—

A. The segregated account is established and held in trust for the benefit and protection of authorized players;

B. The fantasy sports contest operator may receive income accruing on the segregated account. However, the fantasy sports contest operator has no interest in or title to the segregated account; and

C. The funds in the segregated account held for the benefit of Missouri residents may only be distributed for the following:

(I) For payment to players upon completion of fantasy sports contests or otherwise for the reconciliation of player accounts;

(II) For income earned on the account, to the fantasy sports contest operator;

(III) To the Missouri Gaming Commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri Gaming Commission may interplead the funds in the Cole County Circuit Court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(IV) As authorized in writing in advance by any agreement approved by the Missouri Gaming Commission.

4. The corporate entity must require a unanimous vote of all corporate directors to file bankruptcy.

5. The corporate entity must obtain permission from the Missouri Gaming Commission prior to filing bankruptcy or entering into receivership.

6. The corporate entity must have articles of incorporation that prohibit commingling of funds with that of the fantasy sports contest

operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator.

7. The corporate entity must be restricted from incurring debt other than to fantasy sports players pursuant to the rules that govern their accounts for contests.

8. The corporate entity must be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players pursuant to the rules that govern their accounts for contests.

9. The corporate entity must be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri Gaming Commission while there are unsatisfied obligations to fantasy sports contest players.

(3) If, at any time, the licensed operator's total available cash and cash equivalent reserve is less than the amount required by section 313.930, RSMo, the licensee shall notify the commission of this deficiency within forty-eight (48) hours.

(4) Each licensed operator shall continuously monitor and maintain a record of all player deposits and its cash reserves to ensure compliance with the cash reserves requirement.

(5) The licensed operator shall provide the commission with documentation of both the amount of deposits in players' accounts and the amount in cash reserves as of the last day of each month by the fifteenth day of the following month.

AUTHORITY: sections 313.930, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.070 Operational Fees

PURPOSE: This rule addresses the calculation, documentation, and the filing requirement of the annual operation fee to be paid by licensed operators.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a

reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the calculation, documentation, and filing requirement of the annual operation fee.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Annual Operation Fee (AOF) report may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A licensed operator shall pay an annual operation fee by April 15 of each year in a sum equal to eleven and one-half percent (11.5%) of the licensed operator's net revenue from the previous calendar year. All revenue collected under this section shall be placed in the gaming

proceeds for education fund created under section 313.822, RSMo. If a licensed operator fails to pay the annual operation fee by April 15, the licensed operator shall have its license immediately suspended by the commission until such payment is made.

(2) The applicant or licensed operator shall file an Annual Operation Fee (AOF) report and all required supporting documentation with the commission by January 15 of each year for the previous calendar year. The annual operation fee shall be reported on the AOF report, which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The AOF report does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.920, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.090 Records and Record Retention

PURPOSE: This rule establishes requirements for records and record retention.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from

awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the maintenance and retention of its records.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Each licensed operator shall maintain complete, accurate, legible, and permanent records of all transactions pertaining to its revenues, expenses, assets, liabilities, and equity. Records shall be sufficient to adequately reflect total entry fees, entry fees collected from Missouri residents, net revenue, winnings paid, prizes awarded, and other fantasy sports contest transactions which accurately reflect the requirements and restrictions contained in this chapter and in Chapter 313, RSMo.

(2) The licensed operator's accounting records shall be maintained in accordance with generally accepted accounting principles using a double entry system of accounting, with transactions recorded on the accrual basis and supported by detailed, supporting, and subsidiary records.

(3) Unless the commission approves or requires otherwise in writing, each licensed operator shall retain records required by this chapter and Chapter 313, RSMo, for at least five (5) years after they are made.

(4) Each licensed operator shall maintain a record, by date, of the total entry fees received from players residing in the United States, grouped by resident state, and the total entry fees received from players residing outside the United States.

AUTHORITY: sections 313.920, 313.960, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 40—Fantasy Sports Contests

EMERGENCY RULE

11 CSR 45-40.100 Audits

PURPOSE: This rule establishes standards for audits.

EMERGENCY STATEMENT: This emergency rule is necessary to address statutory sections enacted in HB 1941 (2016), specifically, sections 313.900, 313.910, 313.920, 313.930, 313.940, 313.950, 313.960, 313.970, 313.990, 313.1000, 313.1010, and 313.1020, which became law on August 28, 2016. This legislation requires the Missouri Gaming Commission (MGC) to regulate and license the management, operation, and conduct of fantasy sports contests and participants.

This bill created the Missouri Fantasy Sports Consumer Protection Act and requires the operators of websites engaged in fantasy sports contests in Missouri to apply for and receive annual licenses from the Missouri Gaming Commission (MGC) prior to operation. It includes a provision for "grandfathering in" fantasy sports contest operators already operating in Missouri prior to April 1, 2016, by allowing them to continue operating until they receive or are denied a license. We estimate this will affect seven (7) operators who will be charged an annual operation fee for net revenue received. This is estimated to generate six hundred thousand dollars (\$600,000) per year for the Gaming Proceeds for Education Fund. Those operators must submit an application for licensure prior to October 1, 2016. Once licensed, HB 1941 requires operators to segregate players' funds, maintain a reserve account for the benefit and protection of those funds, establish procedures that will prevent unauthorized withdrawals or commingling of the player and operator funds, as well as provide procedures for a player to report a compromised account. The bill also requires licensed operators to contract with a Certified Public Accountant to conduct an annual financial and internet website audit to ensure compliance with the law. The licensed operators will also have to pay an annual operation fee. Licensed operators may not issue credit to players and may not allow multiple accounts for one (1) player. It requires licensed operators to comply with certain requirements relative to the contests they offer, including requiring that all winning outcomes be determined by accumulating statistical results of fully completed events, forbidding players to select athletes through an auto-draft process, forbidding the licensed operator from awarding any prize to the winner of or athletes in the underlying competition, and not allowing the contest to be based on collegiate, high school, or youth athletics or performances. Licensed operators must also verify each player's age and state of residence as well as maintain and provide access to online self-exclusion forms and processes. The bill also sets parameters for the disclosure of information and documents.

HB 1941 grants the MGC the authority to oversee all licensed operators and provides the MGC investigatory, licensing, and rule-making powers. The submitted regulations were drafted to provide procedures for licensing fantasy sports contest operators to comply with the statute that became effective August 28, 2016. The rules also provide a consistent regulatory framework from which all of the fantasy sports contest operators can operate. We met with two (2) large operators and two small operators prior to drafting these rules and we solicited comments from three (3) of those companies. We received comments from all three (3) operators and made changes as appropriate and consistent with our statutory duties. Players will benefit from consistent standards as well, in that they can be secure in knowing that all licensed fantasy sports contest operators accepting wagers from Missouri residents comply with and operate within the same framework; these regulations will provide a level playing field for all parties involved.

Specifically, this emergency rule provides regulatory procedures for fantasy sports contest operators to follow regarding the financial and website audits required by statute.

As such, the MGC finds an immediate threat to the public welfare and a compelling governmental interest to regulate Fantasy Sports Contests which requires this emergency action. A proposed rule covering the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Gaming Commission believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) Independent certified public accountants (C.P.A.s), shall conduct annual financial and authorized internet website audit of each licensed operator.

(2) The annual financial and authorized internet website audit shall be conducted in accordance with generally accepted auditing standards as follows:

(A) Audit the licensed operator's annual financial statements in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports;

(B) Audit the annual total entry fees, entry fees from Missouri residents, resident percentage calculation, winnings paid, net revenue, and the annual operation fee from the most recently filed Annual Operation Fee report, in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports; and

(C) Audit the licensed operator and its authorized internet website for compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

(3) The C.P.A. shall prepare an audit report which shall be submitted to the commission by March 1 of each year following the close of the licensed operator's fiscal year. The report shall contain the C.P.A.'s assessment of the accuracy of the financial statements and the Annual Operation Fee report. In addition, the report shall include the licensed operator's compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

AUTHORITY: sections 313.920, 313.930, 313.990, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 10—Vital Records**

EMERGENCY RULE

19 CSR 10-10.130 Missouri Adoptee Rights

PURPOSE: This rule provides the process for an adoptee to receive a copy of his or her original birth certificate, the process for a birth parent to state his or her preference regarding whether and how the adoptee can contact him or her, and the process for completion of a medical history form by a birth parent.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by

reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

EMERGENCY STATEMENT: Section 193.125, RSMo, directs the Department of Health and Senior Services (department) to seal the original birth certificates for persons born in Missouri who were adopted in Missouri. Section 193.135, RSMo, directs the department to seal the original birth certificates for persons born in Missouri who were adopted in another state or country. Senate Committee Substitute for House Committee Substitute for House Bill 1599 (the "Missouri Adoptee Rights Act") went into effect on August 28, 2016. This act amends section 193.125 and adds a new section 193.128 to allow persons born in Missouri who were adopted or their attorneys to obtain a copy of the adopted person's original birth certificate. Such adoptees born prior to 1941 may access their original birth certificates beginning August 28, 2016. Adoptees born in or after 1941 may access their original birth certificates beginning January 1, 2018. In addition, beginning August 28, 2016, birth parents of adoptees may file a contact preference form indicating they do not wish to be contacted or only wish to be contacted through an intermediary. The birth parents' preference as listed on the form determines whether identifying information is to be redacted from the copy of the original birth certificate given to the adoptee. In order to make a decision as to whether or not to consent to contact, the birth parents need to know how their identifying information and the original birth certificate will be released. In order to implement the provisions relating to adoptees born prior to 1941 and birth parents who may wish to file contact preference and medical history forms, and allow the department sufficient time to process the contact preference and medical history forms prior to an adoptee's request for copies of the forms, the forms must be available on August 28, 2016, or as soon as possible thereafter.

As a result of the immediate effective dates and the importance of the public notification period, the Department of Health and Senior Services finds a compelling governmental interest which requires an early effective date for this rule. The Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under these circumstances. A proposed rule which covers the same material is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. This emergency rule was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(1) For purposes of this rule only, unless the context clearly indicates otherwise, the following terms mean:

(A) "Adoptee," an adopted person who was born in Missouri and is at least eighteen (18) years of age;

(B) "Applicant," the adoptee or the adoptee's attorney;

(C) "Attorney," a currently-licensed member of the Missouri Bar or bar of another state of the United States;

(D) "Birth parent," the parent(s) identified on the adoptee's original birth certificate;

(E) "Birth Parent Contact Preference Form," a form used by a birth parent to indicate his or her preference about contact with the adoptee;

(F) "Birth Parent Medical History Form," a form used by a birth parent to provide his or her medical history information to the adoptee;

(G) "Department," the Missouri Department of Health and Senior Services;

(H) "Identifying information," the name, date of birth, age, race, place of birth, occupation/industry/business, and address of the birth parent(s); any part of the child's name or any other name containing

surnames of either birth parent; and informant name;

(I) “Intermediary,” the person or agency identified by the birth parent to act as a means of contact between the birth parent and adoptee;

(J) “Original birth certificate,” the adoptee’s registered birth certificate sealed upon court order at the time of adoption;

(K) “Redact,” to obscure or remove identifying information.

(2) Birth Parent Contact Preference Form. A birth parent may state his or her preference for contact with the adoptee by completing a Cover Sheet for Birth Parent Contact Preference Form and a Birth Parent Contact Preference Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall provide to the department adequate information as requested on the Cover Sheet for Birth Parent Contact Preference Form so that the department can identify the correct sealed file in which to place the form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(B) A birth parent may change his or her contact preference by completing a new Cover Sheet for Birth Parent Contact Preference Form and Birth Parent Contact Preference Form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. The forms and fee shall be mailed or delivered to the department at the address listed in section (2) above. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(C) A birth parent may request that an adoptee contact him or her only through an intermediary, rather than be contacted directly by the adoptee, as indicated by the birth parent on the Birth Parent Contact Preference Form. In this case, the birth parent shall write the name and contact information of the intermediary on the Birth Parent Contact Preference Form.

(D) If a birth parent has filed a Birth Parent Contact Preference Form with the department, the department shall provide a copy of the form to the applicant.

(E) If a birth parent has filed more than one (1) Birth Parent Contact Preference Form, the department shall issue a copy of only the most recently dated Birth Parent Contact Preference Form to the applicant.

(F) The Birth Parent Contact Preference Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Contact Preference Form.

(G) The department shall not issue a copy of the original birth certificate to the applicant when—

1. The applicant does not meet the requirements of section 193.125, RSMo, and this rule; or

2. Both birth parents have filed a Birth Parent Contact Preference Form indicating that they prefer not to be contacted or prefer contact through an intermediary.

(H) The department shall issue a non-certified, unredacted copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” upon request to a qualified applicant when—

1. The original birth certificate lists two (2) parents and neither birth parent has filed a Birth Parent Contact Preference Form;

2. The original birth certificate lists two (2) parents and both birth parents have filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted;

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted and the other parent has not filed a Birth Parent Contact Preference Form;

4. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted; or

5. The original birth certificate only lists one (1) parent and that parent has not filed a Birth Parent Contact Preference Form.

(I) The department shall issue a non-certified copy of the original birth certificate stamped “For genealogical purposes only—not to be used for establishing identity” to the applicant with the identifying information redacted for the birth parent who indicated they preferred not to be contacted or preferred to be contacted by an intermediary when—

1. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact by an intermediary;

2. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has not filed a Birth Parent Contact Preference Form; or

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted.

(3) Birth Parent Medical History Form. A birth parent may provide or update his or her medical history by completing a Cover Sheet for Birth Parent Medical History Form and a Birth Parent Medical History Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall furnish to the department adequate information as requested on the Cover Sheet for Birth Parent Medical History Form so that the department can identify the correct sealed file in which to place the Birth Parent Medical History Form. If the department is unable to identify the correct sealed file based upon the information provided on the Cover Sheet for Birth Parent Medical History Form, the department shall return the Cover Sheet for Birth Parent Medical History Form and the Birth Parent Medical History Form to the birth parent.

(B) A birth parent may change or update the Birth Parent Medical History Form by completing a new Cover Sheet for Birth Parent Medical History Form and Birth Parent Medical History Form and delivering or mailing the forms to the department at the address listed in section (3) above.

(C) A birth parent shall provide information regarding only him or herself, and his or her blood relatives, such as mother, father, sisters, brothers, grandparents, and other biological children on the Birth Parent Medical History Form.

(D) If a birth parent has filed more than one (1) Birth Parent Medical History Form, the department shall release to the applicant a copy of only the most recently dated form.

(E) The department shall not use the information on the Cover Sheet for Birth Parent Medical History Form or Birth Parent Medical History Form for statistical or any other purposes and shall not disclose the

information to anyone other than the adoptee or the adoptee's attorney.

(F) The copy of the Birth Parent Medical History Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Medical History Form.

(4) Adoptees born before 1941. An adoptee born before 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning August 28, 2016, by completing an Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)–(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(5) Adoptees born in or after 1941. An adoptee born in or after 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning January 1, 2018. To make a request, an applicant shall complete the Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)–(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact

Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(6) Applicants, birth parents, or others shall not send to the department items other than the forms prescribed by this regulation (e.g., letters, papers, photos, mementos, etc). Any such items sent to the department shall be discarded.

(7) The department shall not issue copies of vital records, including birth, death, marriage, or divorce records, for the birth parents to an adoptee.

(8) The department shall not amend the adoptee's original birth certificate as defined in this rule.

AUTHORITY: sections 193.035 and 193.045, RSMo 2000, and section 193.128, SCS for HCS for HB1599, Ninety-eighth General Assembly, Second Regular Session 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed rule covering this same material is published in this issue of the Missouri Register.

Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health Chapter 20—Communicable Diseases

EMERGENCY AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental, and Occupational Diseases. The department is amending subsection (2)(A) and section (5).

PURPOSE: This amendment will bring the communicable disease reporting requirements into compliance with the current federal Centers for Disease Control guidelines as required by section 192.139, RSMo 2000, and updates the rule to require reporting of Carbapenem-resistant enterobacteriaceae (CRE) infections as provided by a legislative amendment to section 192.020 that went into effect August 28, 2016.

EMERGENCY STATEMENT: This emergency amendment amends the current list of communicable and infectious diseases reportable to the Missouri Department of Health and Senior Services to specifically include Zika, Chikungunya, and carbapenem-resistant enterobacteriaceae (CRE). This emergency amendment is necessary to protect the public health, safety, and welfare of Missourians as early reporting of these conditions minimize the impact of these diseases on individual patients and help prevent infections in additional Missourians.

The Centers for Disease Control and Prevention (CDC) added Zika and Chikungunya to their list of required reportable (nationally notifiable) diseases in 2016 when Zika was declared an epidemic in the western hemisphere and cases were reported in the United States whereby transmission had occurred within the epidemic regions. CDC has confirmed a link between Zika and microcephaly (a condition in which the brain does not develop properly) and other neurological abnormalities in infants born to Zika-infected mothers. Besides microcephaly in infants, Zika infection may result in fetal death, Guillain-Barre Syndrome (GBS), and other neurological conditions in infected individuals. In addition, sexual transmission of the infection between individuals is also possible. Zika virus is an emerging arboviral infection for which there is no cure or vaccine. Zika is spread primarily through mosquito bites, or in some instances, sexual contact with an individual with an active Zika infection. Zika cases have been reported in all fifty (50) states. Until July 2016, those cases were primarily contracted by individuals who had traveled outside the United States to areas where the Zika virus was found.

In July 2016, the first locally acquired case of Zika in the United

States was reported in southern Florida. That individual had not traveled outside the United States, but was bitten by a mosquito in Florida that carried the Zika virus. Since that time, the number and location of locally acquired cases and the locations in Florida have increased significantly. The University of Florida recently released a research study that predicts that locally acquired cases of Zika will occur in states neighboring Missouri prior to the end of summer. Given the potential for the rapid spread of locally acquired cases in the United States and the fact that Missouri's mosquito season will not end until late fall, it is not unreasonable to suspect that the southern portion of Missouri may experience locally acquired cases of Zika virus prior to the end of the year. Therefore, an emergency amendment is necessary to ensure reporting of any Zika detected cases in Missouri.

Specifically requiring state-level reporting of Zika infection will help detect and track cases/outbreaks for the purpose of providing medical care, instituting public health interventions, and educating the public on preventive measures. The department is proposing to also add Chikungunya to the reportable disease list because mosquitoes that carry the Zika virus can also carry Chikungunya disease and Dengue. CDC requests that when health care providers suspect a patient may have one (1) of these diseases, that laboratories tests for Zika, Chikungunya, and Dengue all be performed because they are all mosquito-borne illnesses, have similar symptoms, and are found in the same geographic regions and are of serious concern. Dengue was recently added to the reportable disease list. Therefore, Chikungunya needs to be added as a reportable condition along with Zika.

It is imperative that public health authorities be rapidly notified when these infections are suspected in order to facilitate public health interventions which assists the individual with the diagnosis and mitigates the risk of transmission to others. As a result, the Department of Health and Senior Services finds an immediate danger to the public health, safety, and/or welfare and a compelling governmental interest which requires this emergency action.

In addition, Senate Bill 579 (Ninety-eighth General Assembly, Second Regular Session (2016)) went into effect August 28, 2016. In this bill is an amendment to 192.020, RSMo, which requires the department to include carbapenem-resistant enterobacteriaceae (CRE) in its list of communicable or infectious diseases which must be reported to the department. As a result of the immediate effective date, the Department of Health and Senior Services finds a compelling governmental interest which requires an early effective date for this amendment. A proposed amendment, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Health and Senior Services believes this emergency amendment is fair to all interested persons and parties under the circumstances. This emergency amendment was filed August 29, 2016, becomes effective September 8, 2016, and expires March 6, 2017.

(2) Reportable within one (1) day, diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within one (1) calendar day of first knowledge or suspicion by telephone, facsimile, or other rapid communication. Reportable within one (1) day, diseases or findings are—

(A) Diseases, findings, or agents that occur naturally, or from accidental exposure, or as a result of an undetected bioterrorism event:

- Animal (mammal) bite, wound, humans
- Brucellosis
- Chikungunya**
- Cholera
- Dengue virus infection
- Diphtheria
- Glanders (*Burkholderia mallei*)
- Haemophilus influenzae*, invasive disease
- Hantavirus pulmonary syndrome

- Hemolytic uremic syndrome (HUS), postdiarrheal
- Hepatitis A
- Influenza-associated mortality
- Influenza-associated public and/or private school closures
- Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person
- Measles (rubeola)
- Melioidosis (*Burkholderia pseudomallei*)
- Meningococcal disease, invasive
- Novel Influenza A virus infections, human
- Outbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern, including any illness in a food handler that is potentially transmissible through food
- Pertussis
- Poliovirus infection, nonparalytic
- Q fever (acute and chronic)
- Rabies (animal)
- Rubella, including congenital syndrome
- Shiga toxin-producing *Escherichia coli* (STEC)
- Shiga toxin positive, unknown organism
- Shigellosis
- Staphylococcal enterotoxin B
- Syphilis, including congenital syphilis
- T-2 mycotoxin
- Tetanus
- Tuberculosis disease
- Tularemia (all cases other than suspected intentional release)
- Typhoid fever (*Salmonella typhi*)
- Vancomycin-intermediate *Staphylococcus aureus* (VISA), and Vancomycin-resistant *Staphylococcus aureus* (VRSA)
- Venezuelan equine encephalitis virus neuroinvasive disease
- Venezuelan equine encephalitis virus nonneuroinvasive disease
- Viral hemorrhagic fevers other than suspected intentional (e.g., Viral hemorrhagic fever diseases: Ebola, Marburg, Lassa, Lujo, new world Arenavirus (Guanarito, Machupo, Junin, and Sabia viruses), or Crimean-Congo)
- Yellow fever[;]
- Zika;**

(5) Reportable quarterly diseases or findings shall be reported directly to the Department of Health and Senior Services quarterly. These diseases or findings are[;]—

Carbapenem-resistant enterobacteriaceae (CRE), nosocomial
Methicillin-resistant *Staphylococcus aureus* (MRSA), nosocomial
Vancomycin-resistant enterococci (VRE), nosocomial.

AUTHORITY: sections 192.006, 210.040, and 210.050, RSMo 2000, and section 192.020, [RSMo Supp. 2013] SB 579, Ninety-eighth General Assembly, Second Regular Session 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. A proposed amendment covering this same material is published in this issue of the Missouri Register.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 700—Insurance Licensing Chapter 1—Insurance Producers

EMERGENCY RULE

20 CSR 700-1.170 Licensing Procedures and Standards for Limited Lines Self-Service Storage Insurance Producers

PURPOSE: *This rule prescribes the license application process, fee, and initial training for limited lines self-service storage insurance producers. This rule also prescribes the register for listing individuals that offer self-service storage insurance on the behalf of the licensed limited lines self-service storage insurance producer. Any form referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.*

EMERGENCY STATEMENT: *This emergency rule incorporates changes to the law effected by section 379.1640, SS SCS HCS HB 2194, 98th General Assembly, 2016, effective on August 28, 2016. This emergency rule is necessary to preserve the compelling governmental interest of facilitating access to the new licensure created by legislation and providing clarity to license applicants. A proposed rule identical in substance is published in this issue of the **Missouri Register**. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the **Missouri and United States Constitutions**. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under the circumstances. The Missouri Self Storage Owners Association, whose mission is to represent the owners and managers of self-storage facilities in Missouri, contacted the department to encourage the promulgation of a rule to effectuate section 379.1640, part of House Bill 2194 that will go into effect on August 28, 2016. The department sought input regarding the proposed regulation identical in substance to this emergency rule from the Missouri Self Storage Owners Association. The department also contacted Stormart Insurance, a provider of self-storage contents insurance regarding the proposed rule. This emergency rule was filed August 18, 2016, becomes effective August 28, 2016, and expires February 23, 2017.*

(1) Application and Fees. Application for a limited lines self-service storage insurance producer license shall include the following:

(A) A completed application form, included herein as Exhibit 1 of this rule, or any form that substantially comports with the specified form; and

(B) One hundred dollar (\$100) application fee.

(2) Qualified Training Program.

(A) Applicants for a limited lines self-service storage insurance producer license shall complete a training course approved by the director, as listed on the department's limited lines self-service storage insurance producer webpage at www.insurance.mo.gov.

(B) An individual licensed in Missouri as an insurance producer with the property insurance line of authority shall be deemed as having completed the qualified training program requirement described in subsection (2)(A).

(3) Register of Individuals Offering Self-Service Storage Insurance on Limited Lines Self-Service Storage Insurance Producer's Behalf.

(A) Contents of register to be established, maintained, and updated by the limited lines self-service storage insurance producer.

1. Each limited lines self-service storage insurance producer shall establish at the time of licensure, and thereafter maintain and update annually, a self-service storage register that shall include the following:

A. Name, address, telephone number, and email address of the limited lines self-service storage insurance producer;

B. Name, address, telephone number, and email address of any officer or person who directs or controls the limited lines self-service storage insurance producer's operations;

C. Name, address, telephone number, and email address of each individual that offers self-service storage insurance on behalf of the limited lines self-service storage insurance producer;

D. The self-service storage facility's federal tax identification number; and

E. Dated signature by the limited lines self-service storage insurance producer, under penalty of perjury, certifying that each individual listed on the self-service storage register complies with 18 U.S.C. Section 1033.

(B) The limited lines self-service storage insurance producer shall submit the self-service storage register within thirty (30) days upon request by the department.

(4) The limited lines self-service storage insurance producer shall require each employee and authorized representative of the self-service storage insurance producer to receive a program of instruction or training that has been reviewed and approved by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION

**APPLICATION FOR LIMITED LINES SELF-SERVICE
STORAGE INSURANCE PRODUCER LICENSE**

EXHIBIT 1

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE

1. SOCIAL SECURITY NUMBER			2. DATE OF BIRTH		
3. LAST NAME		JR./SR., ETC.		4. FIRST NAME	
5. MIDDLE NAME					
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)		7. P.O. BOX	8. CITY		9. STATE
10. ZIP CODE		11. COUNTRY			
12. HOME TELEPHONE NUMBER		13. MOBILE TELEPHONE NUMBER		14. PERSONAL EMAIL ADDRESS	
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female		16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen? _____			
17. BUSINESS ENTITY NAME					
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)		19. P.O. BOX	20. CITY		21. STATE
22. ZIP CODE		23. COUNTRY			
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)		25. BUSINESS FAX NUMBER		26. BUSINESS EMAIL ADDRESS	
27. BUSINESS WEBSITE ADDRESS					
28. APPLICANT'S MAILING ADDRESS		29. P.O. BOX	30. CITY		31. STATE
32. ZIP CODE		33. COUNTRY			
34A. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.					
34B. LIST ALL TRADE NAMES UNDER WHICH YOU ARE CURRENTLY DOING BUSINESS OR INTEND TO DO BUSINESS.					

EMPLOYMENT HISTORY

35. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment, and full-time education.

NAME	CITY	STATE	COUNTRY	FROM		TO		POSITION HELD
				MONTH	YEAR	MONTH	YEAR	

BACKGROUND INFORMATION

36. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime? ☐ YES ☐ NO

"Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions. You must include felony DUI and DWI convictions.

"Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

BACKGROUND INFORMATION

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document that demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. "Involved" also includes the act of surrendering a license to resolve an administrative proceeding or action. "Involved" also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license or is related to the lack of such license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

3. Has any demand been made or judgment rendered against you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company, for overdue monies by a provider, an administrator, an insurer, an insured, or a producer?

☐ YES ☐ NO

Have you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company ever been subject to a bankruptcy proceeding?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of the demand or judgment,
- b) a certified copy of the judgment, a copy of the demand, and copies of any other relevant documents,
- c) a certified copy of the official document that demonstrates the resolution of the demand or judgment,
- d) a written statement detailing the case number, type of bankruptcy, the court it was filed before, and summarizing the details of the indebtedness and arrangements for repayment,
- e) a certified copy of the "Notice of Bankruptcy" or its equivalent, and
- f) a certified copy of the "Order Discharging Debtor" or its equivalent.

4. Have you failed to pay state or federal income tax?

☐ YES ☐ NO

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each administrative or court order,
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document that demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

5. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

6. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO

Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO

Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a motor vehicle extended service contract producer license, and
- b) copies of all relevant documents.

7. Do you currently have or have you had a child support obligation? ☐ YES ☐ NO

If you answer yes:

- a) are you in arrearage? ☐ YES ☐ NO
- b) by how many months are you in arrearage? _____ months
- c) what is the total amount of your arrearage? _____
- d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.) ☐ YES ☐ NO
- e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.) ☐ YES ☐ NO
- f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) ☐ YES ☐ NO
- g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? ☐ YES ☐ NO

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.
4. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question 36.7.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
6. I acknowledge that I understand and will comply with the self-service storage laws and regulations of Missouri and of any other jurisdiction to which I apply for licensure.
7. Non-Resident License Applicants: I certify that I am licensed and in good standing in my home state/resident state for the lines of authority requested from Missouri. (Applies only if Applicant's home state/resident state issues licenses that authorize the marketing of limited lines self-storage insurance.)

APPLICANT'S CERTIFICATION AND ATTESTATION (CONTINUED)

APPLICANT'S ORIGINAL SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

MONTH/DAY/YEAR

NOTARY

NOTARY PUBLIC EMBOSSE OR
BLACK INK RUBBER STAMP SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

YEAR

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC SIGNATURE

MY COMMISSION
EXPIRES

NOTARY PUBLIC NAME (TYPED OR PRINTED)

INSTRUCTIONS

1. All applicants must submit a nonrefundable \$100 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Mail completed application to: MO DIFP – Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

AUTHORITY: sections 374.045, RSMo Supp. 2013, and section 379.1640, SS SCS HCS HB 2194, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 18, 2016, effective Aug. 28, 2016, expires Feb. 23, 2017. A proposed rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

EMERGENCY RESCISSION

20 CSR 2150-2.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which the chapter authorized not to exceed the cost and expense of administering the chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed

September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

EMERGENCY RULE

20 CSR 2150-2.080 Physician Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of the emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physician

1. Assistant Physician	
A. Licensure Fee	\$300
B. Renewal Fee	\$135
C. Prescriptive Authority Fee	\$ 50
2. Contiguous State License	
A. Licensure Fee	\$ 25
B. Renewal Fee	\$ 25
3. Limited License	
A. Licensure Fee	\$ 25
B. Renewal Fee	\$ 25
4. Permanent Physician	
A. Licensure Fee	\$ 75
B. Reinstatement Fee	\$ 75
C. Renewal Fee	\$100
5. Temporary Physician	
A. Conditional Temporary License Fee	\$ 25
B. Temporary License Fee	\$ 25
C. Temporary License Renewal Fee	\$ 25
6. Visiting Professor	
A. Licensure Fee	\$ 25
B. Renewal Fee	\$ 25
(B) General Fees	
1. Continuing Medical Education Extension Fee	\$ 25
2. Duplicate License Fee	\$ 0
3. Endorsement of State Test Scores	\$ 25
4. Late Renewal Fee (Delinquent Fee)	\$ 25
5. Returned Check Fee	\$ 25
6. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.090.2, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RESCISSION

20 CSR 2150-3.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is

statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in rule is unnecessary; and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rescission, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.090, 334.125, and 334.580, RSMo 2000 and sections 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the Missouri Register.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RULE

20 CSR 2150-3.080 Physical Therapists Licensure Fees

PURPOSE: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.*

EMERGENCY STATEMENT: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.*

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physical Therapist

- | | |
|---|------|
| 1. Licensure by Examination Fee | \$25 |
| 2. Licensure by Reciprocity Fee | \$25 |
| 3. Temporary License Fee | \$10 |
| 4. Renewal Fee | \$50 |
| 5. Reinstatement of an Inactive License Fee | \$25 |

(B) General Fees

- | | |
|---------------------------------------|------|
| 1. Continuing Education Extension Fee | \$25 |
| 2. Duplicate License Fee | \$ 0 |
| 3. Endorsement of Board Scores | \$25 |
| 4. Late Renewal Fee (Delinquent Fee) | \$25 |
| 5. Return Check Fee | \$25 |
| 6. Verification of Licensure Fee | \$ 0 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise deter-

mined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: *section 334.580, RSMo 2000, sections 334.090, 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the Missouri Register.*

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 2150—State Board of Registration for the Healing Arts

Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

EMERGENCY RESCISSION

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees.

This rule established the fees the Missouri State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Pursuant to Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.*

EMERGENCY STATEMENT: *The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in the rule is unnecessary; and removing language that limits the type of payment that can be submitted.*

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning

October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

EMERGENCY RULE

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of the emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency amendment, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maxi-

mum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons or parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physical Therapist Assistant	
1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Temporary License Fee	\$10
4. Renewal Fee	\$50
5. Reinstatement of an Inactive License Fee	\$25
(B) General Fees	
1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Endorsement of Board Scores	\$25
4. Late Renewal Fee (Delinquent Fee)	\$25
5. Return Check Fee	\$25
6. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

EMERGENCY RESCISSION

20 CSR 2150-4.060 Fees. This rule established the fees for speech pathologists or audiologists, or both.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to

preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted. Additionally, due to the implementation of SB107 of the 98th General Assembly (2015), fees related to the provisional licensure are being rescinded.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 345.015, 345.022, 345.030, 345.045, and 345.055, RSMo Supp. 2007 and section 345.051, RSMo 2000. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

EMERGENCY RULE

**20 CSR 2150-4.060 Speech-Language Pathology and Audiology
Licensure Fees**

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees. Additionally, due to the implementation of SB107 of the 98th General Assembly (2015), fees related to the provisional licensure are being rescinded.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- | | |
|--|------|
| (A) Speech-Language Pathologist and Audiologist | |
| 1. Licensure Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$50 |
| (B) Speech-Language Pathology and Audiology Aide | |
| 1. Registration Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$20 |
| (C) Speech-Language Pathology Assistant | |
| 1. Registration Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$20 |
| (D) General Fees | |
| 1. Continuing Education Extension Fee | \$25 |
| 2. Duplicate License Fee | \$ 0 |
| 3. Return Check Fee | \$25 |
| 4. Verification of Licensure Fee | \$ 0 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 345.015 and 345.051, RSMo Supp. 2015, and sections 345.030, 345.045, and 345.055, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

EMERGENCY RESCISSION

20 CSR 2150-6.050 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts charged pursuant to Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning

October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 334.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000 and section 334.706.3(2), RSMo Supp. 2007. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

EMERGENCY RULE

20 CSR 2150-6.050 Athletic Trainer Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1,

2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

- | | |
|--------------------------------------|------|
| (A) Athletic Trainer | |
| 1. Licensure Fee | \$25 |
| 2. Renewal Fee | \$25 |
| (B) General Fees | |
| 1. Duplicate License Fee | \$ 0 |
| 2. Late Renewal Fee (Delinquent Fee) | \$25 |
| 3. Return Check Fee | \$25 |
| 4. Verification of Licensure Fee | \$ 0 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and section 334.706.3(2), RSMo Supp. 2013. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

EMERGENCY RESCISSION

20 CSR 2150-7.200 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which Chapter 334, RSMo, authorized not to exceed the cost and expense of administering that chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to

preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

EMERGENCY RULE

20 CSR 2150-7.200 Physician Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized

by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

(A) Physician Assistant

1. Licensure Fee	\$25
2. Renewal Fee	\$25
3. Temporary Licensure Fee	\$25
4. Temporary Licensure Renewal Fee	\$25
5. Certificate of Controlled Substance Prescriptive Authority Fee	\$25

(B) General Fees

1. Duplicate License Fee	\$ 0
2. Late Renewal Fee (Delinquent Fee)	\$25
3. Return Check Fee	\$25
4. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 334.125 and 334.735, RSMo Supp. 2014, and

sections 334.736, 334.738, and 334.743, RSMo 2000. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 8—Licensing of Clinical Perfusionists

EMERGENCY RESCISSION

20 CSR 2150-8.060 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 324, RSMo. Under the provisions of Chapter 324, RSMo, the board was directed to set by rule the amount of fees, which Chapter 324, RSMo authorized not to exceed the cost and expense of administering Chapter 324, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees

to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 324.159, RSMo 2000. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 8—Licensing of Clinical Perfusionists

EMERGENCY RULE

20 CSR 2150-8.060 Clinical Perfusionists Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to be deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any

agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Perfusionist

1. Licensure by Examination Fee	\$25
2. Licensure by Grandfather Clause Fee	\$25
3. Licensure by Reciprocity Fee	\$25
4. Provisional License Fee	\$25
5. Provisional License Renewal	\$25
6. Renewal Fee	\$25

(B) General Fees

1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Late Renewal Fee (Delinquent Fee)	\$25
4. Return Check Fee	\$25
5. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 324.159, RSMo 2000. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

EMERGENCY RESCISSION

20 CSR 2150-9.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized, not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. This rescission and readoption is also being done to preserve consistency and afford licensees more user-friendly access to information.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rescission is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rescission, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rescission to be fair to all interested persons and parties under the circumstances. This emergency rescission was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

AUTHORITY: section 334.125, RSMo 2000, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

EMERGENCY RULE

20 CSR 2150-9.080 Anesthesiologist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

EMERGENCY STATEMENT: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is proposing to collectively decrease the fees in section (1) by approximately thirty percent (30%) to maintain board's fund at a level that is authorized by section 334.090, RSMo. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

Without this emergency rescission and readoption the decreased fee requirement will not be effective in time for the renewal notice and the board will collect more revenue than it is statutorily authorized to collect.

A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In developing this emergency rule, the board has determined that the fee decrease is necessary beginning October 1, 2016 to prevent funds from exceeding the maximum fund balance thereby resulting in a transfer from the fund to general revenue as set forth in section 334.090.2, RSMo. Pursuant to section 324.001.10, RSMo, a compelling governmental interest is to deemed to exist for the purposes of section 536.025, RSMo, for licensure fees to be reduced by emergency rule, if the projected fund balance of any agency assigned to the Division of Professional Registration is reasonably expected to exceed an amount that would require transfer from that fund to general revenue. The board believes this emergency rule to be fair to all interested persons and parties under the circumstances. This emergency rule was filed September 1, 2016, becomes effective September 11, 2016, and expires March 9, 2017.

(1) The following fees are established by the State Board of Registration for the Healing Arts and are payable in the form of a personal check, cashier's check, or money order:

(A) Anesthesiologist Assistant	
1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Reinstatement Fee	\$25
4. Temporary License Fee	\$25
5. Renewal Fee	\$25
(B) General Fees	
1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Late Renewal Fee (Delinquent Fee)	\$25
4. Return Check Fee	\$25
5. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo 2000, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. A proposed rescission and rule covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RESCISSION

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Tobacco-Free Incentive Provisions and Limitations.

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2016, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2016, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RULE

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Tobacco-Free Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

EMERGENCY STATEMENT: This emergency rule must be in place

by October 1, 2016, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2016 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rule complies with the protections extended in the *Missouri and United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

- (1) Strive for Wellness® Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.
- (2) Tobacco-Free Incentive—The Strive for Wellness® Tobacco-Free Incentive is a reduction in premium of forty dollars (\$40) per month per eligible participant who is compliant with this rule.
- (3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Tobacco-Free Incentive:
 - (A) Active employee subscribers;
 - (B) Non-Medicare spouses covered by a Tobacco-Free Incentive eligible subscriber and Medicare primary spouses of active employee subscribers; and
 - (C) Non-Medicare subscribers.
- (4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:
 - (A) Members under the age of eighteen (18) years;
 - (B) Dependent children;
 - (C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;
 - (D) Spouse (with the exception of spouse of active employee subscriber) who has Medicare as primary coverage;
 - (E) TRICARE Supplement Plan subscriber;
 - (F) Spouse covered by ineligible subscriber; and
 - (G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.
- (5) 2016 Participation.
 - (A) Each eligible member must participate separately.
 - (B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:
 1. Submit a 2016 Tobacco-Free Promise form; or
 2. Submit a 2016 Quit Tobacco Promise form, enroll in an

MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2016 Tobacco-Free Promise form; or

2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in an MCHCP-approved quit tobacco program on the date MCHCP receives your Quit Tobacco Promise form, must complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course for the incentive to begin the first day of the second month following the completed coaching call or class.

(F) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;

2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness[®] quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(G) MCHCP-approved quit tobacco programs include:

1. Quit tobacco coaching program provided by MCHCP's vendor; or

2. Strive for Wellness[®] quit tobacco course (when available, for active employee subscribers only).

(H) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to—

1. Complete six (6) progressive quit tobacco program coaching calls; or

2. Attend six (6) Strive for Wellness[®] quit tobacco course classes during the scheduled course timeframe.

(I) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(J) The 2016 Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(K) MCHCP will verify an eligible member's quit tobacco program or course participation.

(L) Eligible members who first complete a Quit Tobacco Promise form, November 1, 2016 through December 31, 2016, do not have to enroll in an MCHCP-approved quit tobacco program or course. The date in which they complete their Quit Tobacco Promise form

will be used as completing all requirements to receive the incentive in accordance with the applicable timeline.

(6) 2017 Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and applicable requirements are completed:

1. Submit a 2017 Tobacco-Free Promise form; or

2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2017 Tobacco-Free Promise form; or

2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, in person, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired.

(F) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and MCHCP will mail the Quit Tobacco Road Map.

(G) The 2017 Tobacco Free Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to quit tobacco.

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN

Division 10—Health Care Plan Chapter 2—State Membership

EMERGENCY RESCISSION

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Strive for Wellness® Partnership Incentive Provisions and Limitations.

EMERGENCY STATEMENT: This emergency rescission must be in place by October 1, 2016, in accordance with the new plan year. Therefore, this emergency rescission is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and will allow members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rescission be filed as an emergency rescission to maintain the integrity of the current health care plan. This emergency rescission must become effective October 1, 2016, to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This rescission reflects changes made to the plan by the Missouri Consolidated Health Care Plan Board of Trustees. A proposed rescission, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rescission complies with the protections extended by the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rescission was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission covering this same material is published in this issue of the *Missouri Register*.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

EMERGENCY RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: This rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Partnership Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

EMERGENCY STATEMENT: This emergency rule must be in place by October 1, 2016, in accordance with open enrollment for the new plan year. Therefore, this emergency rule is necessary to serve a compelling governmental interest of protecting members (employees, retirees, officers, and their families) enrolled in the Missouri Consolidated Health Care Plan (MCHCP) from the unintended consequences of confusion regarding eligibility or availability of benefits and allows members to take advantage of opportunities for reduced premiums for more affordable options without which they may forgo

coverage. Further, it clarifies member eligibility and responsibility for various types of eligible charges, beginning with the first day of coverage for the new plan year. It may also help ensure that inappropriate claims are not made against the state and help protect the MCHCP and its members from being subjected to unexpected and significant financial liability and/or litigation. It is imperative that this rule be filed as an emergency rule in order to maintain the integrity of the current health care plan. This emergency rule must become effective October 1, 2016 to fulfill the compelling governmental interest of offering continuous health insurance to officers, state and public entity employees, retirees, and their families. This emergency rule reflects changes made to the plan by the MCHCP Board of Trustees. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. This emergency rule complies with the protections extended in the *Missouri* and *United States Constitutions* and limits its scope to the circumstances creating the emergency. The MCHCP follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances. This emergency rule was filed August 26, 2016, becomes effective October 1, 2016, and expires March 29, 2017.

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.

(2) Partnership Incentive—The Strive for Wellness® Partnership Incentive is a reduction in premium of twenty-five dollars (\$25) per month per eligible member who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Partnership Incentive:

- (A) Active employee subscribers; and
- (B) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Partnership Incentive:

- (A) Subscribers under the age of eighteen (18) years;
- (B) Dependents;
- (C) TRICARE Supplement Plan subscribers;
- (D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage; and
- (E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary.

(5) 2016 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will

receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2016 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;
3. Attending two (2) online health education webinars provided by Strive for Wellness®;
4. Attending two (2) lunch-and-learn health education sessions provided by Strive for Wellness®;
5. Participating in a virtual health coaching program through the website of the MCHCP wellness vendor and achieving at least one (1) milestone;
6. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;
7. Standing for at least two (2) hours during each workday for three (3) months;
8. Complete the Governor's 100 Missouri Miles Challenge; or
9. Walking one (1) million steps.

(F) The 2016 Partnership Incentive shall begin January 1, 2016 and end December 31, 2016.

(G) Eligible members who first complete the 2016 Partnership Incentive requirements, October 1, 2016 through December 31, 2016, do not have to complete two (2) Health Assessments. The date in which they complete their Health Assessment will be used as meeting the requirement to complete a Health Assessment to receive the incentive for both 2016 and 2017 in accordance with the applicable timeline.

(6) 2017 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz. A series of questions administered by MCHCP designed to measure understanding of MCHCP benefits and/or general health knowledge.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2017 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;

3. Attending three (3) Strive for Wellness® sponsored health education or physical activity events;

4. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;

5. Standing for at least two (2) hours during each workday for three (3) months; or

6. Walking one (1) million steps.

(F) The 2017 Partnership Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted, in whole or in part, for the applicable plan year if a member requests a waiver of a requirement(s) in writing along with a provider's written certification that it is medically inadvisable for the member to participate in the applicable requirement(s).

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Partnership Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. A proposed rescission and rule covering the same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety- (90-) day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

session of any endangered species of wildlife, or hides or other parts thereof, or the sale or possession with intent to sell of any article made in whole or in part from the skin, hide, or other parts of any endangered species of wildlife is prohibited; provided, that this rule shall not apply to legally acquired wildlife held under permit or held by a public zoo or museum or to articles manufactured before January 1, 1973. Endangered wildlife taken legally outside Missouri may be imported, transported, or possessed, but may not be sold or purchased without written approval of the director.

(2) The exportation, transportation, or sale of any endangered species of plant or parts thereof, or the sale of or possession with intent to sell any product made in whole or in part from any parts of any endangered species of plant is prohibited.

(3) For the purpose of this rule, endangered species of wildlife and plants shall include the following native species designated as endangered in Missouri:

(A) Mammals: gray bat, Ozark big-eared bat, Indiana bat, **north-ern long-eared bat**, black-tailed jackrabbit, spotted skunk.

(F) Mussels: Curtis pearlymussel, Higgins' eye, pink mucket, fat pocketbook, ebonyshell, elephant ear, winged mapleleaf, sheepnose, snuffbox, scaleshell, **spectaclecase**, **Neosho mucket**, **rabbitsfoot**, **salamander mussel**, **slippershell mussel**.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.240, RSMo 2000. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions**

PROPOSED AMENDMENT

3 CSR 10-4.111 Endangered Species. The commission proposes to amend sections (1) and (2) and subsections (3)(A) and (3)(F) of this rule.

PURPOSE: This amendment adds one (1) bat species and five (5) mussel species to the state endangered species list and corrects punctuation. The bat species were recently listed as threatened under the federal Endangered Species Act (ESA) due to significant declines in Missouri and the mussel species are being added because they are currently listed under the ESA or are being considered for listing.

(1) The importation, transportation, sale, purchase, taking, or pos-

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits**

PROPOSED AMENDMENT

3 CSR 10-5.210 Permits to be Signed and Carried. The commission proposes to amend this rule.

PURPOSE: This amendment allows the use of department-issued plastic cards as an accepted permit for use by persons hunting, fishing, or trapping.

All permits and method exemptions shall be signed and carried by the permittee in either paper, **department-issued plastic**, or electronic format. Acceptable electronic forms of permits include display of electronic images on a cellular phone or any other type of portable electronic device. Permits carried in an electronic format shall display either a digitized image of a handwritten signature or some other form of an electronic signature. All permits, or temporary permit

authorization number(s), and method exemptions shall be exhibited to any officer charged with the enforcement of this Code, or to any transportation company or postal employee when presenting wildlife for shipment.

*AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. This version of rule filed Sept. 19, 1957, effective Dec. 31, 1957. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 29, 2016.*

PUBLIC COST: This proposed amendment will cost the Department of Conservation an estimated six thousand four hundred sixty dollars (\$6,460) for initial set up costs and computer system modifications.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC ENTITY COST**

- I. Department Title: 3 - Department of Conservation
Division Title: 10 - Conservation Commission
Chapter Title: 5 – Wildlife Code: Permits**

Rule Number and Name:	3 CSR 10-5.210 Permits to be Signed and Carried
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
MO Department of Conservation	\$6,460.00 one-time set up costs

III. WORKSHEET

One Time Setup Fee: **\$ 1,510.00**

System Changes:

• 12 hrs. Sales Channel	\$1,500.00	(12 hrs. @ \$125.00/hr.)
• 12 hrs. File Export	\$1,500.00	(12 hrs. @ \$125.00/hr.)
• 6 hrs. Control Center	\$750.00	(6 hrs. @ \$125.00/hr.)
• 6 hrs. Project Mgmt.	\$750.00	(6 hrs. @ \$125.00/hr.)
• 6 hrs. QA	\$450.00	(6 hrs. @ \$75.00/hr.)
Total System Cost:	\$4,950.00	

TOTAL ONE-TIME COSTS: \$6,460.00

IV. ASSUMPTIONS

In order for the Department to issue plastic permit cards to hunters and anglers, the Department will have to incur costs associated with setting up proofs and printer settings for the new cards. Additionally, the Department will have to incur costs to compensate its permit vendor for one-time system changes required to implement the new plastic permit cards as an option for persons purchasing a permit on the Department's web-based permit system. Once the system is implemented, the Department will incur appropriately \$2.00 per card, which will be paid by those permittees who desire to purchase a card. Purchase of the plastic card is not required.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.505 Black Bass. The commission proposes to amend subsections (1)(A)–(C) and paragraph (4)(A)2. and remove paragraphs (4)(A)3.–5. of this rule.

PURPOSE: This amendment consolidates all Smallmouth Bass Special Management Area regulations for smallmouth bass to a fifteen inch (15") minimum length limit, a daily limit of one (1), and expands the areas on the Big Piney, Jacks Fork, Big, and Meramec rivers.

(1) Daily Limit: Six (6) in the aggregate, including smallmouth bass, largemouth bass, spotted bass, and all black bass hybrids, except:

(A) The daily limit may include no more than one (1) smallmouth bass on the Big Piney River from Slabtown Access to *[Ross Access]* the confluence of the Gasconade River, the Eleven Point River from Thomasville Access to the Arkansas line, the Elk River, the Gasconade River from the Highway Y bridge (Pulaski County) to the Highway D bridge (Phelps County), the Jacks Fork River from the Highway 17 bridge to the *[Highway 106 bridge]* confluence of the Current River, the James River from the Hooten Town bridge (The Loop Road at Route O) to the Highway 413/Highway 265 bridge at Galena, Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County), Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River, and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek.

(B) The daily limit is two (2) black bass on Montrose Lake *[and the Elk River]*.

(C) On the Meramec, Big, and Bourbeuse rivers and their tributaries, the daily and possession limit for black bass is twelve (12) in the aggregate and may include no more than six (6) largemouth bass and smallmouth bass in the aggregate, except that the daily limit may include no more than one (1) smallmouth bass on the Big River from *[Leadwood Access]* the Council Bluff Lake Dam to its confluence with the Meramec River, the Meramec River from *[Scotts Ford]* the Highway 8 bridge to the railroad crossing at Bird's Nest, and Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River.

(4) Length Limits.

(A) Streams: All black bass less than twelve inches (12") in total length must be returned to the water unharmed immediately after being caught from the unimpounded portion of any stream, including Pools 20–26 on the Mississippi River, except as follows:

1. On the Meramec, Big, and Bourbeuse rivers and their tributaries, there is no length limit on spotted (Kentucky) bass./; and

2. On the Big Piney River from Slabtown Access to *[Ross Access]* the confluence of the Gasconade River, the Eleven Point River from Thomasville Access to the Arkansas line, the Elk River, the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), the Jacks Fork River from Highway 17 bridge to the confluence of the Current River, the James River from Hooten Town bridge (The Loop Road at Route O) to Highway 413/Highway 265 bridge at Galena, Joachim Creek from the Highway V bridge to the Highway A bridge (Jefferson County), Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River, the Meramec River from *[Scotts Ford]* the Highway 8 bridge to the railroad crossing at Bird's Nest, the Big River from *[Leadwood Access]* the Council Bluff Lake Dam to

its confluence with the Meramec River, Mineral Fork from the Highway F bridge (Washington County) to its confluence with the Big River, *[Osage Fork of the Gasconade River from the Skyline Drive bridge (near Orla in Laclede County) to its confluence with the Gasconade River,]* and Tenmile Creek from the Highway B bridge (Carter County) to its confluence with Cane Creek, all smallmouth bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.

[3. On the Jacks Fork River from Highway 17 bridge to Highway 106 bridge and the Gasconade River from Highway Y bridge (Pulaski County) to Highway D bridge (Phelps County), all smallmouth bass less than eighteen inches (18") in total length must be returned to the water unharmed immediately after being caught.

4. On the James River from Hooten Town bridge (The Loop Road at Route O) to Highway 413/Highway 265 bridge at Galena, all smallmouth bass and largemouth bass less than fifteen inches (15") must be returned to the water unharmed immediately after being caught.

5. On the Elk River, all black bass less than fifteen inches (15") in total length must be returned to the water unharmed immediately after being caught.]

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits**

PROPOSED AMENDMENT

3 CSR 10-6.530 Goggle-eye (Ozark Bass, Rock Bass, and Shadow Bass) and Warmouth. The commission proposes to amend the title by adding a comma after Rock Bass and section (4) of this rule.

PURPOSE: This amendment sets a statewide length limit of seven inches (7") on goggle-eye (Ozark bass, rock bass, and shadow bass) and warmouth and removes the Osage Fork of the Gasconade River from the Rock Bass Special Management areas.

(4) Length Limits: *[No length limits]* All goggle-eye (Ozark bass, rock bass, and shadow bass) and warmouth less than seven inches (7") in total length must be returned to the water unharmed immediately after being caught, except all goggle-eye less than eight inches (8") in total length must be returned to the water unharmed immediately after being caught on the Big Piney River from Highway 17 bridge (Texas County) to its confluence with the

Gasconade River, Courtois Creek from Highway 8 bridge (Crawford County) to its confluence with Huzzah Creek, the Eleven Point River from Thomasville Access to the Arkansas line, Huzzah Creek from Willhite Road (Crawford County) to its confluence with the Meramec River, Meramec River from Highway 19 bridge (Dent County) to Pacific Palisades Conservation Area [and the Osage Fork of the Gasconade River from Skyline Drive bridge near Orla (Laclede County) to its confluence with the Gasconade River].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed June 13, 1994, effective Jan. 1, 1995. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges,
Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.110 General Prohibition; Applications. The commission proposes to amend subsection (3)(H) and the authority section of this rule.

PURPOSE: This amendment adds alligator gar (*Lepisosteus spatula*) to the Approved Aquatic Species List, reorders the list of approved aquatic species for consistency, and corrects an inaccurate reference in the authority section.

(3) Fish and crayfish may be bought, sold, transported, propagated, taken, and possessed by any person without permit throughout the year in any number or size and by any method providing—

(H) Approved Aquatic Species List.

1. Fishes.

[A. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)

B. Paddlefish (*Polyodon spathula*)

C. Spotted gar (*Lepisosteus oculatus*)

D. Longnose gar (*Lepisosteus osseus*)

E. Shortnose gar (*Lepisosteus platostomus*)

F. Bowfin (*Amia calva*)

G. American eel (*Anguilla rostrata*)

H. Gizzard shad (*Dorosoma cepedianum*)

I. Threadfin shad (*Dorosoma petenense*)

J. Rainbow trout (*Oncorhynchus mykiss*)

K. Golden trout (*Oncorhynchus aquabonita*)

L. Cutthroat trout (*Oncorhynchus clarkii*)

M. Brown trout (*Salmo trutta*)

N. Brook trout (*Salvelinus fontinalis*)

O. Coho salmon (*Oncorhynchus kisutch*)

P. Atlantic salmon (*Salmo salar*)

Q. Northern pike (*Esox lucius*)

R. Muskellunge (*Esox masquinongy*)

S. Goldfish (*Carassius auratus*)

T. Grass carp (*Ctenopharyngodon idella*)

U. Common carp (*Cyprinus carpio*)

V. Bighead carp (*Hypophthalmichthys nobilis*)

W. Golden shiner (*Notemigonus crysoleucas*)

X. Bluntnose minnow (*Pimephales notatus*)

Y. Fathead minnow (*Pimephales promelas*)

Z. River carpsucker (*Carpodes carpio*)

AA. Quillback (*Carpodes cyprinus*)

BB. White sucker (*Catostomus commersoni*)

CC. Blue sucker (*Cycleptus elongatus*)

DD. Bigmouth buffalo (*Ictiobus cyprinellus*)

EE. Black bullhead (*Ameiurus melas*)

FF. Yellow bullhead (*Ameiurus natalis*)

GG. Brown bullhead (*Ameiurus nebulosus*)

HH. Blue catfish (*Ictalurus furcatus*)

II. Channel catfish (*Ictalurus punctatus*)

JJ. Flathead catfish (*Pylodictis olivaris*)

KK. Mosquitofish (*Gambusia affinis*)

LL. White bass (*Morone chrysops*)

MM. Striped bass (*Morone saxatilis*)

NN. Green sunfish (*Lepomis cyanellus*)

OO. Pumpkinseed (*Lepomis gibbosus*)

PP. Warmouth (*Lepomis gulosus*)

QQ. Orangespotted sunfish (*Lepomis humilis*)

RR. Bluegill (*Lepomis macrochirus*)

SS. Longear sunfish (*Lepomis megalotis*)

TT. Redear sunfish (*Lepomis microlophus*)

UU. Smallmouth bass (*Micropterus dolomieu*)

VV. Spotted bass (*Micropterus punctulatus*)

WW. Largemouth bass (*Micropterus salmoides*)

XX. White crappie (*Pomoxis annularis*)

YY. Black crappie (*Pomoxis nigromaculatus*)

ZZ. Yellow perch (*Perca flavescens*)

AAA. Sauger (*Sander canadensis*)

BBB. Walleye (*Sander vitreus*)

CCC. Freshwater drum (*Aplodinotus grunniens*)

A. Alligator gar (*Lepisosteus spatula*)

B. American eel (*Anguilla rostrata*)

C. Atlantic salmon (*Salmo salar*)

D. Bighead carp (*Hypophthalmichthys nobilis*)

E. Bigmouth buffalo (*Ictiobus cyprinellus*)

F. Black bullhead (*Ameiurus melas*)

G. Black crappie (*Pomoxis nigromaculatus*)

H. Blue catfish (*Ictalurus furcatus*)

I. Bluegill (*Lepomis macrochirus*)

J. Blue sucker (*Cycleptus elongatus*)

K. Bluntnose minnow (*Pimephales notatus*)

L. Bowfin (*Amia calva*)

M. Brook trout (*Salvelinus fontinalis*)

N. Brown bullhead (*Ameiurus nebulosus*)

O. Brown trout (*Salmo trutta*)

P. Channel catfish (*Ictalurus punctatus*)

Q. Coho salmon (*Oncorhynchus kisutch*)

R. Common carp (*Cyprinus carpio*)

S. Cutthroat trout (*Oncorhynchus clarkii*)

T. Fathead minnow (*Pimephales promelas*)

U. Flathead catfish (*Pylodictis olivaris*)

V. Freshwater drum (*Aplodinotus grunniens*)

W. Gizzard shad (*Dorosoma cepedianum*)

X. Golden shiner (*Notemigonus crysoleucas*)

Y. Golden trout (*Oncorhynchus aquabonita*)

Z. Goldfish (*Carassius auratus*)

AA. Grass carp (*Ctenopharyngodon idella*)

BB. Green sunfish (*Lepomis cyanellus*)

CC. Largemouth bass (*Micropterus salmoides*)

DD. Longear sunfish (*Lepomis megalotis*)

- EE. Longnose gar (*Lepisosteus osseus*)
 - FF. Mosquitofish (*Gambusia affinis*)
 - GG. Muskellunge (*Esox masquinongy*)
 - HH. Northern pike (*Esox lucius*)
 - II. Orangespotted sunfish (*Lepomis humilis*)
 - JJ. Paddlefish (*Polyodon spathula*)
 - KK. Pumpkinseed (*Lepomis gibbosus*)
 - LL. Quillback (*Carpionodes cyprinus*)
 - MM. Rainbow trout (*Oncorhynchus mykiss*)
 - NN. Redear sunfish (*Lepomis microlophus*)
 - OO. River carpsucker (*Carpionodes carpio*)
 - PP. Sauger (*Sander canadensis*)
 - QQ. Shortnose gar (*Lepisosteus platostomus*)
 - RR. Shovelnose sturgeon (*Scaphirhynchus platyrhynchus*)
 - SS. Smallmouth bass (*Micropterus dolomieu*)
 - TT. Spotted bass (*Micropterus punctulatus*)
 - UU. Spotted gar (*Lepisosteus oculatus*)
 - VV. Striped bass (*Morone saxatilis*)
 - WW. Threadfin shad (*Dorosoma petenense*)
 - XX. Walleye (*Sander vitreus*)
 - YY. Warmouth (*Lepomis gulosus*)
 - ZZ. White bass (*Morone chrysops*)
 - AAA. White crappie (*Pomoxis annularis*)
 - BBB. White sucker (*Catostomus commersoni*)
 - CCC. Yellow bullhead (*Ameiurus natalis*)
 - DDD. Yellow perch (*Perca flavescens*)
2. Crustaceans.
- A. Freshwater prawn (*Macrabrachi um rosenbergii*)
 - B. Pacific white shrimp (*Litopenaeus vannamei*)
 - C. Virile ("Northern") crayfish (*Orconectes virilis*)
 - D. White River crawfish (*Procambarus acutus*)
 - E. Red Swamp crawfish (*Procambarus clarkii*)
 - F. Calico ("Papershell") crayfish (*Orconectes immunis*)
 - A. Calico ("papershell") crayfish (*Orconectes immunis*)
 - B. Freshwater prawn (*Macrabrachi um rosenbergii*)
 - C. Pacific white shrimp (*Litopenaeus vannamei*)
 - D. Red swamp crawfish (*Procambarus clarkii*)
 - E. Virile ("northern") crayfish (*Orconectes virilis*)
 - F. White River crawfish (*Procambarus acutus*)

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule was previously filed as 3 CSR 10-4.110(5), (6), and (10). Original rule filed June 26, 1975, effective July 7, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

PROPOSED AMENDMENT

3 CSR 10-9.440 Resident Falconry Permit. The commission pro-

poses to amend this rule along with the authority section of the rule.

PURPOSE: This amendment changes the expiration date for falconry permits to June 30 in the third calendar year after issuance, provides consistency with expiration dates of other confined wildlife permits, removes unnecessary verbiage, and corrects an inaccurate reference in the authority section.

To take, possess alive, care for, and train birds of prey (raptors) and to use birds of prey to take other wildlife in accordance with 3 CSR 10-9.442 and federal falconry regulations. Fee: one hundred dollars (\$100). This permit shall remain valid for three (3) years [from date of issuance. A federal falconry permit will no longer be issued].

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-5.295. Original rule filed Aug. 15, 1973, effective Dec. 31, 1973. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits: Seasons, Methods, Limits

PROPOSED AMENDMENT

3 CSR 10-10.727 Record Keeping and Reporting Required: Commercial Fishermen. The commission proposes to amend section (2) and the authority section of this rule.

PURPOSE: This amendment clarifies the expectation that live weight is to be provided on monthly reports by commercial fishermen and corrects an inaccurate reference in the authority section.

(2) Commercial fishermen and roe fish dealers shall submit a complete and accurate monthly report on a form furnished by the department showing the origin (water area), live weight, species of fish and fish eggs, and the number and species of turtles taken or purchased by him/her during the preceding month, or a negative report if none were taken. Printed copies of these forms can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and online at www.missouriconservation.org. Monthly reports must be received by the department within thirty (30) days of the end of each month. Failure to submit a monthly report shall be sufficient cause for the department to revoke the current year's commercial fishing permit and deny renewal of the permit for the following year.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. Original rule filed Aug. 27, 1975,

effective Dec. 31, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.115 Closings. The commission proposes to amend subsection (4)(C) of this rule.

PURPOSE: This amendment changes the water level gauge used to determine when Hornersville Swamp Conservation Area will close due to high water.

(4) The following department areas are closed during high waters:

(C) On Hornersville Swamp Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat when the water level is at or above [two hundred thirty-nine feet (239') on the Ditch 81 Ext. (Upstream of Big Lake Northend CS – Above Trash Rack (BL110)) gage] **thirty-eight feet (38') on the Little River Floodway Ditch No. 1 at Hornersville, MO, gauge.**

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.185 Dove Hunting. The commission proposes to amend paragraphs (2)(A)6. and (2)(B)2. and the authority section of

this rule.

PURPOSE: This amendment removes unnecessary punctuation, corrects the name of a conservation area, and corrects an inaccurate reference in the authority section.

(2) On the following areas, during the month of September, dove hunters must possess a valid area daily hunting tag while hunting and must accurately report their harvest immediately upon completing their hunting trip:

(A) Dove hunting is permitted during legal shooting hours in accordance with statewide regulations:

1. August A. Busch Memorial Conservation Area
2. Bois D'Arc Conservation Area
3. William R. Logan Conservation Area
4. Pony Express Conservation Area
5. Robert E. Talbot Conservation Area
6. William G. and Erma Parke White Memorial Wildlife Area[.]

(B) Dove hunting is permitted by managed hunt during the first seven (7) days and during legal shooting hours for the entire dove hunting season:

1. Eagle Bluffs Conservation Area
2. Marais Temps Clair Conservation Area
3. Otter Slough Conservation Area
4. Ten Mile Pond Conservation Area

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] **252.040**, RSMo 2000. Material covered in this rule previously filed as 3 CSR 10-11.180. Original rule filed Sept. 12, 2011, effective March 1, 2012. Amended: Filed Sept. 27, 2013, effective March 1, 2014. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.205 Fishing, Methods and Hours. The commission proposes to add a new section to this rule.

PURPOSE: This amendment establishes public use provisions and restrictions for fishing methods, hours, and harvest on the Ozark Regional Office Pond.

(15) On the Ozark Regional Office Pond:

(A) Fishing is permitted only on designated waters from 8:30 a.m. to 4:00 p.m., May 1 through September 30, Monday through Friday;

(B) Fishing is restricted to persons fifteen (15) years of age or

younger and not more than one (1) pole and line may be used by any one (1) person at any time;

(C) Fish must be returned to the water unharmed immediately after being caught.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule was previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Special Regulations for
Department Areas**

PROPOSED AMENDMENT

3 CSR 10-11.215 Fishing, Length Limits. The commission proposes to add a new section (7) and amend the authority section of this rule.

PURPOSE: This amendment establishes a sixteen inch (16") minimum length limit on channel catfish on Current River Conservation Area (Buford Pond) and Tywappity Community Lake and corrects an inaccurate reference in the authority section.

(7) Channel catfish less than sixteen inches (16") total length must be returned to the water unharmed immediately after being caught on the following areas:

- (A) Current River Conservation Area (Buford Pond)
- (B) Tywappity Community Lake

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section [252.240] 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.115. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.110 Use of Boats and Motors. The commission proposes to amend subsections (2)(GG) and (2)(HH) and add subsection (2)(II) to this rule.

PURPOSE: This amendment prohibits the use of boats and motors on Community Club Lake and Heartland Lake (City of Wentzville).

- (2) Boats are prohibited on the following areas:
(GG) University of Missouri (South Farm R-1 Lake); *[and]*
(HH) Watershed Committee of the Ozarks (Valley Water Mill Lake).; *and*
(II) Wentzville (Community Club Lake, Heartland Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

PROPOSED AMENDMENT

3 CSR 10-12.115 Bullfrogs and Green Frogs. The commission proposes to amend paragraph (1)(B)21. of this rule.

PURPOSE: This amendment establishes provisions for harvesting bullfrogs and green frogs on Heartland Lake (City of Wentzville).

(1) Bullfrogs and green frogs may be taken during the statewide season only by hand, handnet, atlatl, gig, bow, snagging, snaring, grabbing, or pole and line except as further restricted by this chapter.

(B) Only pole and line may be used to take frogs on the following areas:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake);
2. Butler City Lake;
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Park Lake);
5. Jennings (Koeneman Park Lake);
6. Kirksville (Spur Pond);
7. Kirkwood (Walker Lake);

8. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
9. Macon County (Fairgrounds Lake);
10. Mineral Area College (Quarry Pond);
11. Overland (Wild Acres Park Lake);
12. Potosi (Roger Bilderback Lake);
13. Raymore (Johnston Lake);
14. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
15. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
16. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
17. Sedalia (Clover Dell Park Lake, Liberty Park Pond);
18. Sedalia Water Department (Spring Fork Lake);
19. Warrensburg (Lions Lake);
20. Watershed Committee of the Ozarks (Valley Water Mill Lake);
21. Wentzville (Community Club Lake, **Heartland Lake**); and
22. Windsor (Farrington Park Lake).

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. and section 252.040, RSMo 2000. This rule previously filed as 3 CSR 10-4.116. Original rule filed April 30, 2001, effective Sept. 30, 2001. For intervening history, please consult the Code of State Regulations. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Regulations Committee Chairman, Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180, or via the department's website at <http://short.mdc.mo.gov/Z49>. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.046 Alternative Methods of Release Detection for Field-Constructed Tanks

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution systems.

(1) Owners and operators of field-constructed tanks with a capacity greater than fifty thousand (50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Conduct an annual tank tightness test that can detect a one-half (0.5) gallon per hour leak rate;

(B) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to one (1) gallon per hour. This method must be combined with a tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every three (3) years;

(C) Use an automatic tank gauging system to perform release detection at least every thirty (30) days that can detect a leak rate less than or equal to two (2) gallons per hour. This method must be combined with a bulk tank tightness test that can detect a two-tenths (0.2) gallon per hour leak rate performed at least every two (2) years;

(D) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043 subsection (1)(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(E) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a tank tightness test that can detect a one-half (0.5) gallon per hour leak rate at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days; and

(F) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C) of this section. In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:30 a.m. on November 3, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 10, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on November 10, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 26—Petroleum and Hazardous Substance
Storage Tanks
Chapter 2—Underground Storage Tanks—Technical
Regulations

PROPOSED RULE

10 CSR 26-2.047 Alternative Methods of Release Detection for Bulk Underground Piping

PURPOSE: This rule contains the new options for release detection for the previously deferred field-constructed tanks and airport hydrant fuel distribution piping systems.

(1) Owners and operators of bulk underground piping associated with any airport hydrant fuel distribution systems and field-constructed tanks greater than fifty thousand (> 50,000) gallons may use one (1) or a combination of the following alternative methods of release detection:

(A) Perform a biannual or annual bulk line tightness test at or above operating pressure in accordance with the table below. Bulk piping segments greater than or equal to one hundred thousand ($\geq 100,000$) gallons not capable of meeting the maximum three (3.0) gallons per hour leak rate for the biannual test may be tested at a leak rate up to six (6.0) gallons per hour:

Maximum Detectable Leak Rate Per Test Section Volume		
Test Section Volume (Gallons)	Biannual Test Maximum Detectable Leak Rate (Gallons Per Hour)	Annual Test Maximum Detectable Leak Rate (Gallons Per Hour)
< 50,000	1.0	0.5
$\geq 50,000$ to < 75,000	1.5	0.75
$\geq 75,000$ to < 100,000	2.0	1.0
$\geq 100,000$	3.0	1.5

(B) Perform vapor monitoring, with an added tracer chemical, conducted in accordance with 10 CSR 26-2.043(F), capable of detecting a one-tenth (0.1) gallon per hour leak rate at least every two (2) years;

(C) Perform inventory control, conducted in accordance with Department of Defense Directive 4140.25; *ATA Airport Fuel Facility Operations and Maintenance Guidance Manual*, at least every thirty (30) days that can detect a leak equal to or less than one-half percent (0.5%) of flow-through. When using this method, the following must also be met:

1. Perform a line tightness test in accordance with the biannual test threshold in subsection (A) of this section at least every two (2) years; or

2. Perform vapor monitoring or groundwater monitoring in accordance with 10 CSR 26-2.043 subsection (1)(F) or (G), respectively, at least every thirty (30) days;

(D) Another method approved by the department if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in subsections (A) through (C). In comparing methods, the department shall consider the size of release that the method can detect and the frequency and reliability of detection. If the method is approved, the owner and operator must comply with any conditions imposed by the department on its use.

AUTHORITY: sections 319.105 and 319.107, RSMo 2000, and section 319.137, RSMo Supp. 2015. Original rule filed Aug. 15, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or

political subdivisions more than five hundred dollars (\$500) in the aggregate. The public entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate. The private entity fiscal cost impacts for compliance with the federal standards are accounted for in the federal rulemakings.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:30 a.m. on November 3, 2016, at the Elm Street Conference Center, 1730 East Elm Street, Jefferson City, Missouri. Any interested person will have the opportunity to testify. Advance notice is not required. However, anyone who wants to make arrangements to testify may do so prior to the hearing by contacting the secretary of the Hazardous Waste Management Commission at (573) 751-2747.

Any person may submit written comments on this rule action. Interested persons, whether or not heard, may submit a written or email statement of their views until midnight on November 10, 2016. Written comments shall be sent to the director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on November 10, 2016. Email comments shall be sent to heather.peters@dnr.mo.gov. Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1730 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

PROPOSED AMENDMENT

11 CSR 45-1.100 Waivers and Variances. The commission is amending section (1).

PURPOSE: This amendment adds references to a new *Code of State Regulations* chapter and a new *Missouri Revised Statutes* section.

(1) The commission may waive or grant a variance from the provisions of Title 11, Division 45, Chapters 1–[31] **40** of the *Code of State Regulations* upon a licensee's written application, if the commission determines that the waiver or variance is in the best interests of the public. Any waiver or variance granted pursuant to this section constitutes an order of the commission pertaining to gaming, violation of which subjects a licensee to discipline under section 313.812.14(2) and **313.1010**, RSMo.

AUTHORITY: section[s] 313.004, RSMo Supp. 2014, [and] section 313.805, RSMo [2000] Supp. 2013, and section 313.1010, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed Aug. 27, 2004, effective March 30, 2005. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission,

PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 3—Records**

PROPOSED AMENDMENT

11 CSR 45-3.010 Commission Records. The commission is deleting section (4), amending and renumbering section (5), and renumbering the remaining sections.

PURPOSE: This amendment modifies the procedures to maintain the records of the commission and adds a statutory citation for fantasy sports.

[(4)] Pursuant to section 313.847, RSMo, the commission shall not disclose to the public the following records:

(A) Any information that cannot be disclosed pursuant to any intergovernmental agreement;

(B) Portions of the application including, but not limited to: exhibits attached to the application such as personal financial records of an applicant, income tax returns, bank records, plans for internal security and surveillance, copies of the proposed internal control procedures, Personal Disclosure Form I and Personal Disclosure Form II;

(C) The background investigations conducted by the commission or information obtained from any intergovernmental agency concerning any applicant for licensure;

(D) Internal controls and plans for surveillance of a licensee; and

(E) Investigations on any licensee.]

[(5)](4) Except as otherwise required under sections 313.847.1 and 313.1000.1, RSMo, all investigatory, proprietary or application records, information, and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

[(6)](5) The commission may charge a fee for copying public records, which fee shall not exceed the actual cost of document search and duplication. The commission shall provide a list of fees charged for copying public records upon request.

[(7)](6) Payment of any copying fees and search fees may be required before any information will be provided.

[(8)](7) All fees are nonrefundable.

AUTHORITY: *section[s] 313.004, RSMo Supp. 2014, section 313.805, RSMo Supp. 2013, [and] section 313.847, RSMo 2000, and section 313.1000, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 12—Liquor Control**

PROPOSED AMENDMENT

11 CSR 45-12.090 Rules of Liquor Control. The commission is amending section (20), adding a new section (21), and renumbering thereafter.

PURPOSE: This amendment lists requirements for allowing self-dispensing systems to be used for beer and wine off the gaming floor.

(20) Dispensing by Mechanical Devices Prohibited. No retail licensee shall use or permit to be used upon its licensed premises any self-service, coin-operated, mechanical devices, or automatic dispensers for the purpose of selling or dispensing intoxicating liquor, **other than beer and wine off the gaming floor.** This shall not prohibit sales using a controlled access liquor cabinet system as provided in 11 CSR 45-12.091.

(21) Self-Dispensing Systems. A licensee may use a self-dispensing system off the gaming floor, which is monitored and controlled by the licensee and allows patrons to dispense beer or wine. Before a patron may dispense beer or wine, an employee of the licensee must first authorize an amount of beer or wine, not to exceed thirty-two (32) ounces of beer or sixteen (16) ounces of wine per patron per authorization, to be dispensed by the self-dispensing system.

[(21)](22) Prohibited Dispensing. No licensee or employee shall mix or pour, or permit to be mixed or poured, any intoxicating liquor directly into any person's mouth upon or about the licensed premises.

[(22)](23) Sale Off-Premises Prohibited. No excursion liquor licensee or the licensee's agent or employee shall sell intoxicating liquor in any place other than that designated on the license or at any other time or otherwise authorized by the license. Nothing in this section shall prohibit a licensee from selling intoxicating liquor off-premises pursuant to a valid liquor license issued by the Missouri Supervisor of Liquor Control.

[(23)](24) Sale for Resale—Prohibited. No person holding a license authorizing the retail sale of intoxicating liquor shall sell or deliver any liquor to any person with knowledge or with reasonable cause to believe, that the person to whom the liquor is sold or delivered has acquired the liquor for the purpose of reselling it.

[(24)](25) Complimentary Service of Intoxicating Liquor. An excursion liquor licensee shall not, through actions of its own or of an employee, supply any intoxicating liquor in any quantity whatsoever

free of charge or as a complimentary to any person on the gaming floor of the premises.

[(25)](26) Unfinished bottles of wine may be carried out of a restaurant bar, when—It shall not be unlawful for the excursion liquor licensee or employee of a food and beverage outlet located in nongaming areas to allow patrons to carry out one (1) or more bottles of unfinished wine under the following conditions:

(A) The patron must have ordered a meal;

(B) The bottle(s) of wine must have been at least partially consumed during the meal;

(C) The restaurant bar must provide a dated receipt for the unfinished bottle(s) of wine; and

(D) The restaurant bar must securely reseal the bottle(s) of wine and place them in one (1) or more one (1)-time-use, tamperproof, transparent bags and securely seal the bags.

[(26)](27) Activities for certain organizations allowed, when—Excursion liquor licensees may, in nongaming areas of their licensed premises, permit charitable or religious organizations as defined in section 313.005, RSMo, or educational institutions, to hold—

(A) Events or activities for which admission is charged and liquor which has been donated, delivered, or caused to be delivered pursuant to the provisions of section 311.332, RSMo, is available without a separate charge. Such occurrences shall not constitute resale for the purposes of this rule; or

(B) Auctions of liquor in the original package for fund-raising purposes pursuant to the provisions of section 311.332, RSMo; provided that all remaining liquor so donated, delivered, or caused to be delivered to the charitable or religious organization or educational institution at the close of the event, activity, or auction shall remain the property and responsibility of the charitable or religious organization or educational institution and shall not be converted to the benefit of the excursion liquor licensee.

AUTHORITY: section 311.205, SB 919, Second Regular Session, Ninety-eighth General Assembly, 2016, section 313.004, RSMo 2000, and sections 313.805 and 313.840, RSMo Supp. 2013. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Sept. 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED RULE

11 CSR 45-13.054 Fantasy Sports Contest Hearings

PURPOSE: This rule sets forth procedures for hearings related to Fantasy Sports Contest applicants and licensees.

(1) A person whose application for a fantasy sports contest operator license has been denied or against whom a disciplinary action has been initiated may request a hearing under this chapter. The rules in this chapter shall be read together with Chapter 536, RSMo.

(2) The commission may authorize the director to investigate and make the initial finding of unsuitability or to issue a proposed order for disciplinary action with regard to any applicant for, or holder of, a license of the type that may be issued by the director pursuant to 11 CSR 45-40.

(3) Whenever the commission finds an applicant unsuitable or ineligible for licensing, the commission shall notify the applicant in writing outlining the reasons for the finding. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(4) When notified of facts sufficient to support disciplinary action against a fantasy sports contest operator licensee under the applicable statutes or rules, the commission may propose disciplinary action against a licensee. If the commission proposes disciplinary action, it shall notify the licensee of the proposed disciplinary action, in writing, outlining the reasons for the proposed discipline. This notice shall be sent to the party's last known address by certified mail, return receipt requested, or by another means of personal service.

(5) Any licensee who receives a notice of commission action shall respond to the commission within thirty (30) days of the date the notice is mailed from the commission.

(A) If the licensee does not respond to the commission within thirty (30) days of the date the notice is mailed, the commission may petition the Administrative Hearing Commission (AHC) for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(B) If the licensee responds to the commission within thirty (30) days of the date the notice is mailed, the commission may take any action it deems appropriate, including, but not limited to, dismissing the matter, initiating settlement negotiations pursuant to 11 CSR 45-13.065, or petitioning the AHC for findings of fact and conclusions of law to support unsuitability, ineligibility, or discipline.

(6) Hearings before the AHC shall be governed by Chapter 536, RSMo and the rules in 1 CSR 15-3. The AHC shall, after opportunity for hearing, issue findings of fact and conclusion of law and refer the matter back to the commission.

(A) If the AHC does not find a factual basis to support the notice of commission action, the matter will be dismissed and no action will be taken against the licensee.

(B) If the AHC issues its findings of fact and conclusions of law supporting cause to discipline, the case will be returned to the commission to convene a hearing to consider and determine the appropriate disciplinary action, and enter a final order.

(7) Upon receiving findings of fact and conclusions of law supporting cause to discipline from the AHC, the commission shall set the matter for a hearing pursuant to 11 CSR 45-13.030 before the commission's hearing officer in accordance with this chapter. The notice of hearing shall be in writing and shall notify the licensee of the time and place of the hearing, unless a waiver of hearing is filed by the licensee or the parties reach a settlement, negating the need for a hearing. Service of the hearing notice shall be sent by mail to the party's last known address. Following the hearing the hearing officer shall make a recommendation of discipline or other action to the commission as authorized and set forth by 11 CSR 45-13.020.

AUTHORITY: sections 313.920, 313.970, and 313.1010, HB 1941,

Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.055 Emergency Order Suspending License Privileges—Expedited Hearing. The commission is amending section (1).

PURPOSE: This amendment adds entities that conduct fantasy sports contests to the list of licensees against which the commission can act to immediately suspend the privileges under a license where the public health, safety, or welfare is endangered and preservation of the public interest or statutory provisions requires such suspension of privileges.

(1) Upon a finding that sufficient facts exist to show that a licensee has violated a provision of sections 313.004 to 313.090, RSMo, [or] sections 313.800 to 313.850, RSMo, **or sections 313.900 to 313.1020, RSMo**, or any rule promulgated by the commission under 11 CSR 30, et seq. or 11 CSR 45, et seq. as may be amended from time-to-time and that such facts constitute an immediate threat to the public health, safety, or welfare, the director may issue an emergency order immediately suspending the privileges under the license that allow the licensee to—

(F) Sell or manufacture bingo supplies[.]; or

(G) **Conduct fantasy sports contests.**

The director shall have notice of the emergency order personally served upon the licensee or, if the licensee is not available personally, it may be served by certified mail or overnight express mail, postage prepaid.

AUTHORITY: sections 313.004[,] and 313.800, *RSMo Supp. 2014*, sections 313.052[,] and 313.560, *RSMo 2000*, [and] section 313.805, *RSMo [1994] Supp. 2013*, and sections 313.920, 313.970, and 313.1010, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Emergency rule filed July 30, 1999, effective Aug. 9, 1999, expired Feb. 24, 2000. Emergency amendment filed Nov. 30, 2006, effective Dec. 10, 2006, expired June 7, 2007. Original rule filed Dec. 17, 1999, effective July 30, 2000. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 13—Hearings**

PROPOSED AMENDMENT

11 CSR 45-13.065 Settlements. The commission is amending sections (1) and (2).

PURPOSE: This amendment adds fantasy sports contests operators to the types of licensees who would be covered by this rule.

(1) The parties may initiate settlement negotiations at any stage of the proceedings, including prior to the initiation of the proceedings before the Administrative Hearing Commission in the case of a bingo **or fantasy sports contest** hearing, or prior to the entry of a final order of the commission.

(2) If the parties initiate settlement negotiations in a bingo **or fantasy sports contest** hearing, then the provisions of section 621.045, RSMo shall be followed. All other settlements not involving a bingo **or fantasy sports contest** licensee shall be governed by Chapter 313, RSMo, and the rules in this chapter.

AUTHORITY: sections 313.052 and 313.560, *RSMo 2000*, sections 313.805 and 621.045, *RSMo Supp. 2013*, [and] sections 313.004 and 313.800, *RSMo Supp. 2014*, and sections 313.920, 313.970, and 313.1010, *HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016*. Emergency rule filed Dec. 12, 1997, effective Dec. 22, 1997, expired June 19, 1998. Original rule filed Dec. 12, 1997, effective July 30, 1998. Amended: Filed June 25, 2015, effective Feb. 29, 2016. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED AMENDMENT

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons. The commission is amending section (1).

PURPOSE: This amendment allows the disclosure of the List of Disassociated Persons to licensed fantasy sports contest operators.

(1) Upon filing of an application for placement on the List of Disassociated Persons (List), the director may file a Notice of Placement on the List. *[Such notice shall be a closed record to the extent provided for in]* **Notwithstanding the status of some information contained therein that may be closed under sections 313.847, 313.1000, and 610.021, RSMo[;],** provided the application and notice may be disclosed to all Class B licensees **and licensed fantasy sports contest operators,** and their agents and employees.

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014, [and] section 313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions**

PROPOSED AMENDMENT

11 CSR 45-17.040 Confidentiality of List of Disassociated Persons. The commission is adding a new section (4).

PURPOSE: This amendment adds confidentiality requirements for fantasy sports contest operators.

(4) The director may notify each licensed Fantasy Sports Contest Operator (FSCO) of the placement of any person on the List of Disassociated Persons (List), or the removal of any person from the List pursuant to 11 CSR 45-17.060, and may disclose to the licensed FSCO and any of its agents or employees any or all information contained on the person's application(s).

AUTHORITY: section[s] 313.004, *RSMo Supp. 2014, [and] section*

313.813, RSMo 2000, [and] sections 313.805 and 610.021, RSMo Supp. [2011] 2013, and sections 313.1000 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Original rule filed April 18, 1996, effective Dec. 30, 1996. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.010 Definitions

PURPOSE: This rule provides definitions for terms used relating to Fantasy Sports Contests (FSCs).

(1) Authorized internet website—an internet website or any platform operated by a licensed operator.

(2) Entry fee—anything of value including, but not limited to, contest credit, free entry, cash or a cash equivalent, that a fantasy sports contest operator collects in order to participate in a fantasy sports contest.

(3) Fantasy sports contest (FSC)—any fantasy or simulated game or contest with an entry fee, conducted on an internet website or any platform, in which:

(A) The value of all prizes and awards offered to the winning participants is established and made known in advance of the contest;

(B) All winning outcomes reflect in part the relative knowledge and skill of the participants and are determined predominantly by the accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and

(C) No winnings outcomes are based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

(4) Fantasy sports contest operator (FSCO)—any person or entity that offers FSCs for a prize.

(5) Highly experienced player— a person who has either:

(A) Entered more than one thousand (1,000) contests offered by a single FSCO; or

(B) Won more than three (3) fantasy sports prizes of one thousand dollars (\$1,000) or more.

(6) Key person—an officer, director, trustee, or principal salaried executive staff officer.

(7) Licensed operator—a FSCO licensed pursuant to section 313.920, RSMo to offer FSCs for play on an authorized internet website in Missouri.

(8) Net revenue—for all FSCs, the amount equal to the total entry fees collected from all participants entering such FSCs less winnings paid to participants in the contests, multiplied by the resident percentage.

(9) Officer—the president, vice-president, treasurer, secretary, and other officer identified in an entity's bylaws or incorporation documents, a member or manager of a limited liability company, a sole proprietor, or a partner.

(10) Principal salaried executive staff officers—means the president, any vice president in charge of a principal business unit, division, or function (such as sales, administration or finance), any other officer who performs a policy making function, or any other person who performs similar policy making functions for the FSCO. Executive officers of subsidiaries may be deemed executive officers of the FSCO if they perform such policy making functions for the FSCO.

(11) Prize—anything of value including, but not limited to, cash or a cash equivalent, contest credits, merchandise, or admission to another contest in which a prize may be awarded.

(12) Resident percentage—for all fantasy sports contests, the percentage, rounded to nearest one-tenth of one percent (.1%), of the total entry fees collected from Missouri residents divided by the total entry fees collected from all players, regardless of the players' location, of the fantasy sports contests.

AUTHORITY: sections 313.1010 and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.020 Application for Fantasy Sports Contest Operator License

PURPOSE: This rule provides requirements for becoming licensed as a fantasy sports contest operator (FSCO).

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Fantasy Sports Contest Operator Application and the FSCO Personal Disclosure Form may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A fantasy sports contest operator (FSCO) license is a license granted by the Missouri Gaming Commission (commission) to allow a person or entity to offer fantasy sports contests (FSCs) for play by Missouri residents in accordance with the Missouri Fantasy Sports Consumer Protection Act (The Act).

(2) Application for licensure shall be made on the Fantasy Sports Contest Operator Application (Application), which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The Application does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(3) The applicant shall be responsible for ensuring the FSCO Personal Disclosure Form is completed by each key person, employee, and any other individual as directed by the commission. The requested FSCO Personal Disclosure Forms and the required fingerprint sets shall be submitted within thirty (30) days of the commission's request. The commission adopts and incorporates by reference herein, the FSCO Personal Disclosure Form, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The FSCO Personal Disclosure Form does not incorporate any subsequent amendments or additions as adopted by the commission on July 27, 2016.

(4) The applicant shall be responsible for keeping the Application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the Application, and this responsibility shall continue throughout any period during which an Application is being considered by the commission. All updates to Applications must be submitted by exhibit so that each affected exhibit is resubmitted with the updated information and with the date of resubmission. If any Application update is not made in this manner, the commission may deem the update ineffective.

(5) The commission may require an affidavit, signed on behalf of the applicant or licensee, to be submitted as an addendum to the Application, regarding matters related to the applicant or licensee or the proposed operation, including but not limited to, the involvement of any individual in the proposed or licensed operations of the applicant or licensee.

(6) No license shall be issued to an applicant until the applicant has provided all of the required forms and requested documents pursuant to this rule.

(7) The FSCO license expires one (1) year after the date of issuance. The licensed FSCO shall submit the renewal application at least four (4) months prior to the expiration date of the FSCO license.

AUTHORITY: sections 313.920, 313.950, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept.

8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The private cost is specifically outlined in section 313.970, RSMo. Although private entities will incur costs in complying with the statute, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.030 Commission Approval of Procedures

PURPOSE: This rule establishes the process for approval of fantasy sports contest operators' procedures.

(1) Prior to operating in Missouri, each applicant for a Fantasy Sports Contest Operator (FSCO) License shall submit procedures to the commission that—

(A) Prevent unauthorized withdrawals from a registered player's account by the licensed operator or others;

(B) Make clear that funds in a registered player's account are not the property of the licensed operator and are not available to the licensed operator's creditors;

(C) Segregate player funds from operational funds;

(D) Maintain a reserve in the form of cash or cash equivalents in the amount of the deposits made to the accounts of fantasy sports contest players for the benefit and protection of the funds held in such accounts;

(E) Ensure any prize won by a registered player from participating in a fantasy sports contest is deposited into the registered player's account within forty-eight (48) hours of winning the prize;

(F) Ensure registered players can withdraw the funds maintained in their individual accounts, whether such accounts are open or closed, within five (5) business days of the request being made, unless the licensed operator believes in good faith that the registered player engaged in either fraudulent conduct or other conduct that would put the licensed operator in violation of sections 313.900 to 313.1020, RSMo, in which case the licensed operator may decline to honor the request for withdrawal for a reasonable investigatory period until its investigation is resolved if it provides notice of the nature of the investigation to the registered player. For the purposes of this provision, a request for withdrawal will be considered honored if it is processed by the licensed operator but delayed by a payment processor, credit card issuer, or by the custodian of a financial account;

(G) Allow a registered player to permanently close their account at any time for any reason; and

(H) Offer registered players access to their play history and account details.

(2) Each applicant shall submit the written description of its procedures and all supporting documents designed to satisfy the requirements of section (1) of this rule to the commission with the initial application, unless otherwise directed by the commission.

(3) The commission shall review each submission required by section (2) of this rule and Chapter 313, RSMo and shall determine whether it conforms to the requirements of section (1) of this rule and whether the procedures submitted satisfy the requirements. If the commission finds any insufficiencies, they shall be specified in writing to the licensee, who shall make appropriate alterations. No FSCO license shall be issued unless and until the procedures are approved by the commission.

(4) Once approved, no licensed operator shall alter its procedures unless and until the change is approved by the commission.

(5) Each licensed operator shall submit to the commission any change to the approved procedures no less than fifteen (15) days prior to the planned implementation date of the change. The proposed change to the procedures shall be approved or disapproved by the commission. Upon approval, the change may be implemented. If the change is disapproved, the licensed operator shall not implement the change.

(6) If at any time the commission determines that a licensed operator's procedures are inadequate or do not comply with the requirements of this chapter or Chapter 313, RSMo, the commission shall notify the licensed operator in writing. Within fifteen (15) days after receiving the notification, the licensed operator shall amend its procedures accordingly and shall submit a copy of the procedures, as amended, and a description of any other remedial measures taken.

(7) If a licensed operator plans to disseminate the List of Disassociated Persons (DAP List), the operator shall submit to the commission a plan for the dissemination of the information regarding persons placed on the DAP List, as well as persons who have been removed from the DAP List. The plan shall be designed to safeguard, as best as is reasonably possible, the confidentiality of the information but shall include dissemination to at least the personnel responsible for removing a person on the DAP List from all individually targeted advertising or marketing. Licensed operators may not disclose the name of, or any information about, a person who has been placed on or removed from the DAP List to anyone other than employees and agents of the licensed operator whose duties and functions require access to the information. The plan must be approved by the commission prior to disseminating the information. All information disclosed to any licensed operator regarding anyone placed on or removed from the DAP List shall be deemed a closed record; however, the information may be disclosed as authorized by the individual seeking placement on the DAP List, by law, and through the provisions contained in 11 CSR 45-17.

AUTHORITY: sections 313.930, 313.940, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: Although private entities will incur costs in complying with section 313.930, RSMo, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition

to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.040 Fantasy Sports Contest Operator Responsibilities

PURPOSE: This rule establishes the commission's access to information, the applicant's duty to disclose changes in information, and the licensed operator's duty to report and prevent misconduct. This rule is designed to assure that the commission receives timely information that may impact on an applicant's or licensee's suitability.

(1) All licensed operators shall provide all information requested by the commission. Access to this information shall be immediate and copies of the information shall be delivered within seven (7) days, or less if the commission so orders.

(2) All licensed operators of and applicants for Fantasy Sports Contest Operator (FSCO) licenses issued by the commission shall have a continuing duty to disclose in writing, within ten (10) calendar days for an applicant and thirty (30) calendar days for a licensee, any material change in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.

(3) The duty to disclose changes in information shall continue throughout any application period or period of licensure granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.1000, RSMo; or other information that might affect an applicant or licensed operator's suitability to hold a FSCO license, including, but not limited to, significant changes in financial condition, legally defaulting on a debt owed to the State of Missouri, arrests, convictions, guilty pleas, disciplinary actions, or license denial, suspension, or revocation in other jurisdiction(s).

(5) Licensed operators shall promptly report to the commission any facts which the licensed operator has reasonable grounds to believe indicate a violation of law or commission rule committed by licensed operators, their key persons, or their employees, including, without limitation, the performance of licensed activities different from those permitted under their license.

(6) In addition to all other reporting requirements, FSCO license applicants and licensed operators shall notify the commission within fifteen (15) days after receiving notification that any of the following persons has received a subpoena or is the target of, has been disciplined by, or has been charged in connection with an investigation by a regulatory, administrative, or prosecutorial agency of a violation of a rule, regulation, or statute relating to licensed gambling, fantasy

sports contests, Securities and Exchange Commission (SEC) regulations, or criminal offenses:

- (A) The applicant or licensed operator;
- (B) The applicant's or licensed operator's parent corporation;
- (C) Any subsidiary of the applicant's or licensed operator's parent corporation;
- (D) The applicant's or licensed operator's key persons or employees;
- (E) Any key person of the applicant's or licensed operator's parent corporation; or
- (F) Any key person of any subsidiary of the applicant's or licensed operator's parent corporation.

AUTHORITY: sections 313.920, 313.930, 313.950, 313.960, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators

PURPOSE: This rule provides operational requirements for fantasy sports contest operators (FSCOs).

(1) Each licensed operator shall maintain on file with the commission the following:

(A) A current set of procedures for a registered player to report complaints to the licensed operator regarding whether his or her account has been misallocated, compromised, or otherwise mishandled, and a procedure for the licensed operator to respond to those complaints;

(B) A current detailed description of the security standards utilized to prevent access to fantasy sports contests (FSC) by a person whose location and age have not been verified in accordance with section 313.940, RSMo;

(C) A detailed description of measures used to determine the true identity, date of birth, and address of each player seeking to open an account;

(D) A detailed description of the measures taken and procedures implemented to clearly and conspicuously publish and facilitate parental control procedures to allow parents or guardians to exclude minors from access to any FSC;

(E) A detailed description of the standards and procedures used to monitor FSC to detect the use of unauthorized scripts and restrict players found to have used such scripts from further FSC;

(F) A detailed description of its procedures and measures taken to clearly and conspicuously identify highly experienced players in FSC by a symbol attached to a player's username, or by other easily visible means, on the licensed operator's authorized internet website; and

(G) A detailed description of its online self-exclusion process.

(2) The information required by section (1) and all supplemental documents shall be submitted with the initial application and within five (5) days of any subsequent revision.

(3) Upon request, each licensed operator shall provide the commission with a current and accurate list of Missouri residents who have submitted the operator's online self-exclusion form, which the licensed operator developed pursuant to section 313.940, RSMo.

(4) Each licensed operator shall take commercially and technologically reasonable measures to comply with the provisions of sections 313.930 and 313.940, RSMo regarding the verification of each FSC player's true identity, date of birth, and address, including, but not limited to, independent verification of age using information obtained from independent sources outside of the player seeking to open an account. Third party services may be used to verify the age of a player. Each licensed operator shall use such information, at a minimum, to prevent underage individuals from establishing accounts, to verify state of residence, and to prevent players from establishing more than one (1) account or username or playing anonymously.

(5) Upon discovery of a registered account held by a minor, the FSCO shall promptly refund any money held in a minor's account, whether or not the minor has engaged in or attempted to engage in game play. A FSCO may refuse to award a prize to a minor upon a good-faith determination, following reasonable investigation, that the minor misrepresented his or her age in order to enter the FSC, provided, however, that such prize must then be awarded to another participant in the contest who would have won the prize had the minor not participated.

(6) Prior to conducting any individually targeted advertising or marketing, but not more than once a week, the licensed operator shall do the following:

(A) Download the current List of Disassociated Persons (DAP List) and the MGC Excluded Persons List from the designated MGC server;

(B) For email marketing campaigns, compare the email addresses from the marketing list to the DAP List and the MGC Excluded Persons List and remove anyone whose email address is found to be on either List (DAP or Excluded);

(C) For direct mail marketing campaigns to non-registered players, search and remove from the marketing list any person who has the same name and address of any person found to be on either List (DAP or Excluded); and

(D) For direct mail marketing campaigns to registered players, search and remove from the marketing list any player who has the same date of birth, first or last name, and address of an individual on either List (DAP or Excluded).

(7) If a licensed operator ceases offering fantasy sports contests in Missouri, the licensed operator shall notify the commission of the date of cessation. Notice shall be provided within ten (10) days of the cessation.

8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost seven (7) fantasy sports contest operators sixty-seven thousand eight hundred thirty-three dollars and twenty-one cents (\$67,833.21) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

AUTHORITY: *sections 313.930, 313.940, 313.950, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-40.050 Operational Requirements for Fantasy Sports Contest Operators
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
7	License Fantasy Sport Contest Operators	\$67,833.21 annually

III. WORKSHEET

Estimated number of Missouri registered players 183,333 x \$.37 = \$67,833.21. Cost recurring annually during the life of the rule, although the number of newly registered players may fluctuate from year to year.

IV. ASSUMPTIONS

The cost to private entities of complying with this regulation is difficult to determine. The regulation mirrors the requirements of §§ 313.930 and 313.940, RSMo. Whether or not the Commission promulgates this rule, licensees will have to use appropriate security standards and take commercially reasonable steps to confirm that an individual opening an account is not a minor. Many of the requirements of the proposed rule likely involve practices and procedures that would be required by the statute and that are already being utilized by fantasy sports operators, and as such, it would be anticipated that the entities would not be adversely affected by the proposed rule.

Section (4) of the rule requires a licensed operator to take commercially and technologically reasonable measures to verify the identity, date of birth, and address of players. The regulation clarifies the statute by adding a requirement to use an independent source to verify a player's age who is seeking to an open account. The cost to contract with an outside entity to perform that verification will vary by licensee according to its volume of business and method of compliance. Estimates we have received from industry sources indicate an average cost of \$.37 per transaction. Information we have received from the fantasy sports industry and other gaming

regulatory agencies lead us to estimate that 183,333 verifications for Missouri residents would occur each year. The cost per year would vary depending on the number of new Missouri players each year and would continue through the life of the rule.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.060 Cash Reserve and Segregated Account Requirements

PURPOSE: This rule addresses the minimum cash reserve and segregated account requirements and the required procedures and documentation for those reserves and segregated accounts.

(1) The licensed operator shall maintain in the form of cash or cash equivalents the amount of the deposits made to the accounts of Missouri fantasy sports contest players for the benefit and protection of the funds held in such accounts. For purposes of this rule cash equivalents are investments with an original maturity of three (3) months or less.

(2) Funds held in player accounts of Missouri residents shall be protected as set forth herein. A fantasy sports operator shall maintain a reserve in the form of cash, cash equivalents, or a combination thereof to protect player funds in one (1) of the following ways:

(A) Cash Reserve.

1. The amount of the reserve shall be equal to, at a minimum, the sum of all registered players' funds held in player accounts of Missouri residents.

2. The reserve agreements must reasonably protect the reserve against claims of the operator's creditors other than the authorized players for whose benefit and protection the reserve is established, and must provide the following:

A. The reserve shall be established and held in trust for the benefit and protection of authorized players to the extent the licensed operator holds money in player accounts for players;

B. The reserve must not be released, in whole or in part, except upon written instruction or approval of the commission. The reserve must be available within ninety (90) days of written demand or written instruction. If the reserve is released to the commission, the commission may interplead the funds in the circuit court of Cole County for distribution to the authorized players for whose protection and benefit the account was established and to the other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both;

C. The licensed operator may receive income accruing on the reserve, without obtaining permission from the commission; and

D. The licensed operator has no interest or title to the reserve.

3. The reserve must be held or issued by a federally insured financial institution and must be established pursuant to a written agreement between the licensed operator and the financial institution.

4. The proposed reserve arrangement is not effective for purposes of complying with section 313.930.3(4), RSMo until the commission's written approval has been obtained.

5. The reserve arrangement agreements may be amended only with the prior written approval of the commission; and

(B) Special purpose segregated account with a separate corporate entity.

1. A fantasy sports contest operator may establish a special purpose segregated account that is maintained and controlled by a properly constituted corporate entity that is not the fantasy sports contest operator and whose governing board includes one (1) or more corporate directors who are independent of the fantasy sports contest operator and of any corporation related to, or controlled by, the fantasy sports contest operator.

2. The special purpose segregated account with a separate corporate entity must hold, at a minimum, the sum of all authorized

player funds held in player accounts of Missouri residents for use in fantasy sports contests.

3. The special purpose segregated account must reasonably protect the funds against claims of the operator's creditors other than the authorized players for whose benefit and protection the special purpose segregated fund is established, and must provide that—

A. The segregated account is established and held in trust for the benefit and protection of authorized players;

B. The fantasy sports contest operator may receive income accruing on the segregated account. However, the fantasy sports contest operator has no interest in or title to the segregated account; and

C. The funds in the segregated account held for the benefit of Missouri residents may only be distributed for the following:

(I) For payment to players upon completion of fantasy sports contests or otherwise for the reconciliation of player accounts;

(II) For income earned on the account, to the fantasy sports contest operator;

(III) To the Missouri Gaming Commission in the event that the fantasy sports operator's license expires, is surrendered, or is otherwise revoked. The Missouri Gaming Commission may interplead the funds in the Cole County Circuit Court for distribution to the authorized players for whose protection and benefit the account was established and to other such persons as the court determines are entitled thereto, or shall take such other steps as necessary to effect the proper distribution of the funds, or may do both; or

(IV) As authorized in writing in advance by any agreement approved by the Missouri Gaming Commission.

4. The corporate entity must require a unanimous vote of all corporate directors to file bankruptcy.

5. The corporate entity must obtain permission from the Missouri Gaming Commission prior to filing bankruptcy or entering into receivership.

6. The corporate entity must have articles of incorporation that prohibit commingling of funds with that of the fantasy sports contest operator except as necessary to reconcile the accounts of players with sums owed by those players to the fantasy sports contest operator.

7. The corporate entity must be restricted from incurring debt other than to fantasy sports players pursuant to the rules that govern their accounts for contests.

8. The corporate entity must be restricted from taking on obligations of the fantasy sports contest operator other than obligations to players pursuant to the rules that govern their accounts for contests.

9. The corporate entity must be prohibited from dissolving, merging, or consolidating with another company without the written approval of the Missouri Gaming Commission while there are unsatisfied obligations to fantasy sports contest players.

(3) If, at any time, the licensed operator's total available cash and cash equivalent reserve is less than the amount required by section 313.930, RSMo, the licensee shall notify the commission of this deficiency within forty-eight (48) hours.

(4) Each licensed operator shall continuously monitor and maintain a record of all player deposits and its cash reserves to ensure compliance with the cash reserves requirement.

(5) The licensed operator shall provide the commission with documentation of both the amount of deposits in players' accounts and the amount in cash reserves as of the last day of each month by the fifteenth day of the following month.

AUTHORITY: sections 313.930, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule may cost five (5) fantasy sports contest operators ten thousand five hundred twenty-five dollars (\$10,525) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	11 CSR 45-40.060 Cash Reserve Requirement
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5	Fantasy Sports Contest Operators	\$10,525 one time cost

III. WORKSHEET

Estimated legal fees to create new entity \$2,000

Estimated filing fee \$105

$\$2,000 + \$105 = \$2,105$

$\$2,105 \times 5 = \$10,525$

IV. ASSUMPTIONS

The cost to private entities of complying with this regulation is difficult to determine. The regulation mirrors the requirements of § 313.930.3, RSMo, which requires licensed operators, whether or not the Commission promulgates this rule, to maintain a cash or cash equivalent reserve for the benefit and protection of the fantasy sports contests players' funds. Many of the requirements of the proposed rule likely involve practices and procedures that would be required by the statute, and as such, it would be anticipated that the entities would not be adversely affected by the proposed rule.

We assume that each applicant will create a separate legal entity to hold the funds on deposit in accounts of Missouri players. To establish the entity, it is anticipated that the operator would incur legal fees to set up the separate legal entity and would have to pay a filing fee. Two of the potential applicants already have these separate legal entities established.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.070 Operational Fees

PURPOSE: This rule addresses the calculation, documentation, and the filing requirement of the annual operation fee to be paid by licensed operators.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here. The Annual Operation Fee (AOF) report may also be accessed at <http://www.mgc.dps.mo.gov>.

(1) A licensed operator shall pay an annual operation fee by April 15 of each year in a sum equal to eleven and one-half percent (11.5%) of the licensed operator's net revenue from the previous calendar year. All revenue collected under this section shall be placed in the gaming proceeds for education fund created under section 313.822, RSMo. If a licensed operator fails to pay the annual operation fee by April 15, the licensed operator shall have its license immediately suspended by the commission until such payment is made.

(2) The applicant or licensed operator shall file an Annual Operation Fee (AOF) report and all required supporting documentation with the commission by January 15 of each year for the previous calendar year. The annual operation fee shall be reported on the AOF report, which the commission adopts and incorporates by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102, and which may be accessed at <http://www.mgc.dps.mo.gov>. The AOF report does not incorporate any subsequent amendments or additions.

AUTHORITY: sections 313.920, 313.970, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: The private cost is specifically outlined in section 313.970, RSMo. Although private entities will incur costs in complying with the statute, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.090 Records and Record Retention

PURPOSE: This rule establishes requirements for records and record retention.

(1) Each licensed operator shall maintain complete, accurate, legible, and permanent records of all transactions pertaining to its revenues, expenses, assets, liabilities, and equity. Records shall be sufficient to adequately reflect total entry fees, entry fees collected from Missouri residents, net revenue, winnings paid, prizes awarded, and other fantasy sports contest transactions which accurately reflect the requirements and restrictions contained in this chapter and in Chapter 313, RSMo.

(2) The licensed operator's accounting records shall be maintained in accordance with generally accepted accounting principles using a double entry system of accounting, with transactions recorded on the accrual basis and supported by detailed, supporting, and subsidiary records.

(3) Unless the commission approves or requires otherwise in writing, each licensed operator shall retain records required by this chapter and Chapter 313, RSMo, for at least five (5) years after they are made.

(4) Each licensed operator shall maintain a record, by date, of the total entry fees received from players residing in the United States, grouped by resident state, and the total entry fees received from players residing outside the United States.

AUTHORITY: sections 313.920, 313.960, 313.1010, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 40—Fantasy Sports Contests**

PROPOSED RULE

11 CSR 45-40.100 Audits

PURPOSE: This rule establishes standards for audits.

(1) Independent certified public accountants (C.P.A.s), shall conduct annual financial and authorized internet website audit of each licensed operator.

(2) The annual financial and authorized internet website audit shall be conducted in accordance with generally accepted auditing standards as follows:

(A) Audit the licensed operator's annual financial statements in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports;

(B) Audit the annual total entry fees, entry fees from Missouri residents, resident percentage calculation, winnings paid, net revenue, and the annual operation fee from the most recently filed Annual Operation Fee report, in order to report on the fair representation of such amounts. The C.P.A. shall reconcile these audited amounts to similar amounts on the annual financial reports and system reports; and

(C) Audit the licensed operator and its authorized internet website for compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

(3) The C.P.A. shall prepare an audit report which shall be submitted to the commission by March 1 of each year following the close of the licensed operator's fiscal year. The report shall contain the C.P.A.'s assessment of the accuracy of the financial statements and the Annual Operation Fee report. In addition, the report shall include the licensed operator's compliance with each requirement set forth in sections 313.900 to 313.1020, RSMo and Chapter 11 CSR 45-40.

AUTHORITY: sections 313.920, 313.930, 313.990, and 313.1020, HB 1941, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: Although private entities will incur costs in complying with section 313.990, RSMo, this proposed rule will not create additional cost of more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for Wednesday, November 2, 2016, at 10:00 a.m., in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
Chapter 31—Child Abuse**

PROPOSED RULE

13 CSR 35-31.050 Consent to Termination of Parental Rights and/or Adoption

PURPOSE: This rule establishes two (2) consent forms for use by parents in termination of parental rights cases and/or in adoption cases, as required by section 453.030.7, RSMo.

(1) The "General Consent to Termination of Parental Rights and Adoption" form, included herein as MO 886-4591, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo, when adoptive parents are not specified shall be used in accordance with the instructions contained in this rule. Parents consenting to the termination of their parental rights shall provide written consent utilizing this form.

(2) The "Specific Consent to Termination of Parental Rights and Adoption" form, included herein as MO 866-4592, for use in cases filed pursuant to sections 211.444 or 453.030, RSMo when the adoptive parents are specified shall be used in accordance with the instructions contained in this rule. Parents consenting to adoption by named individuals shall provide written consent utilizing this form.



MISSOURI DEPARTMENT OF SOCIAL SERVICES
CHILDREN'S DIVISION

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE _____ DIVISION
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF _____
STATE OF MISSOURI

In re the Matter of _____)
_____) Case No. _____
("CHILD")

GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION

My name is _____
(FULL LEGAL NAME)

I reside at _____
(ADDRESS)

I am a (☐ male ☐ female) person and my date of birth is _____. I acknowledge the following statements are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1. ☐ The Child, _____
(FULL LEGAL NAME) was born on _____
in _____
(CITY/COUNTY/STATE)

2. My relationship to the Child is:

☐ (A) I am the (☐ mother ☐ father) of the Child. I ☒ OR

☐ (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. **I understand if I deny paternity, but consent to adoption, I waive any future interest in the child.**

3. ☐ Because I believe it is in the best interest of the Child and his or her future welfare, I voluntarily and of my own free will forever consent to the termination of parental rights and obligations and consent to the lawful adoption of the child.

I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.

4. ☐ I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor, and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed _____ years of education.

6. ☐ I read and understand the English language; or

☐ I understand English and this Consent form was read to me by: _____; or
(FULL LEGAL NAME) (TITLE)

☐ this Consent form was read to me in my native language of _____
by _____
(NAME OF INTERPRETER)

NOTARY

STATE OF MISSOURI)

)

COUNTY OF _____)

On this _____ day of _____, in the year _____, before me personally
(MONTH)appeared _____ known to me to be the person who executed this
(FULL LEGAL NAME OF PARENT)

Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.

Notary Public

My Commission Expires: _____

WITNESSESTHE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT _____
(FULL LEGAL NAME OF PARENT)

SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.

PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE

DATE

TIME

SIGNATURE OF WITNESS ONE

FULL ADDRESS OF WITNESS ONE

PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO

DATE

TIME

SIGNATURE OF WITNESS TWO

FULL ADDRESS OF WITNESS TWO

**GENERAL CONSENT TO TERMINATION OF PARENTAL RIGHTS AND
CONSENT TO ADOPTION, FORM INSTRUCTIONS**

PURPOSE:

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

INSTRUCTIONS FOR COMPLETION:

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the box.

Read and review Number 12, allowing the parent to choose from one of the two options.

Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

OR

Have two adult witnesses complete the witness section and provide their full address and signatures;

OR

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

NUMBER OF COPIES, DISTRIBUTION AND RETENTION:

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

AUTHORITY: Sections 211.444 and 453.030, RSMo



MISSOURI DEPARTMENT OF SOCIAL SERVICES
CHILDREN'S DIVISION

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION
(FOR USE IN CASES FILED PURSUANT TO SECTIONS 211.444 AND 453.030, RSMO)**

IN THE _____ DIVISION
OF THE CIRCUIT COURT OF THE CITY/COUNTY OF _____
STATE OF MISSOURI

In re the Matter of _____)
_____) Case No. _____
("CHILD")

SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND ADOPTION

My name is _____
(FULL LEGAL NAME)

I reside at _____
(ADDRESS)

I am a (☐ male ☐ female) person and my date of birth is _____. I acknowledge the following statements
are completed by me and each statement is true, complete, and correct to the best of my knowledge:

1. ☐ The Child, _____
(FULL LEGAL NAME) was born on _____
in _____
(CITY/COUNTY/STATE)

2. My relationship to the Child is:

☐ (A) I am the (☐ mother ☐ father) of the Child. I OR

☐ (B) I have been named as a possible birth father for the Child. I deny I am the birth father of the Child; however, in order to
facilitate the location of a stable and secure home for the Child, I am willing to execute this Consent and do so with the full
understanding that its terms will apply to me if it turns out I am in fact the birth father of the Child. **I understand if I deny
paternity, but consent to adoption, I waive any future interest in the child.**

3. ☐ Because I believe it is in the best interest of the Child and his or her future welfare, I voluntarily and of my own free will forever
consent to the termination of parental rights and obligations and consent to the lawful adoption of the child
by _____.

**I UNDERSTAND AND INTEND THAT THIS CONSENT TO TERMINATION OF MY PARENTAL RIGHTS AND CONSENT TO ADOPTION
IS FINAL AND IRREVOCABLE ONCE IT IS EXECUTED BY ME UNLESS, PRIOR TO A FINAL DECREE OF ADOPTION, I ALLEGE AND
PROVE BY CLEAR AND CONVINCING EVIDENCE THIS CONSENT WAS NOT FREELY AND VOLUNTARILY GIVEN.**

4. ☐ I understand as the parent of the Child, I may have the primary right to custody of the Child if I so choose, even if I am a minor,
and by signing this Consent I am giving up any such right along with all my other parental rights and obligations.

5. I have completed _____ years of education.

6. ☐ I read and understand the English language; or

☐ I understand English and this Consent form was read to me by:

_____, or
(FULL LEGAL NAME) (TITLE)

☐ this Consent form was read to me in my native language of _____
by _____
(NAME OF INTERPRETER)

7. Check and complete all that apply:

- ☐ At the time of the Child's birth, I was married to _____
(FULL LEGAL NAME)
- ☐ I was married to _____ within the last 300 days prior to the child's birth.
(FULL LEGAL NAME)
- ☐ I am not married.
- ☐ My marriage to _____ was legally dissolved on _____.
(FULL LEGAL NAME) (DATE)

8. Indian Child Welfare Act:

- ☐ As far as I know, neither I, nor any member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.

OR

- ☐ Either I, or a member of my family, including the Child, is a member of or eligible for membership in a federally recognized American Indian Tribe or Alaskan Native Village.

9. I understand I have the right to be represented by my own attorney. I understand the court may appoint an attorney to represent me if I request counsel, and if hiring my own attorney would cause a financial hardship. I also understand I may review this document and seek the advice of an attorney before signing this Consent.

- ☐ I have talked to and am represented by _____ regarding this Consent.
(NAME OF ATTORNEY)

OR

- ☐ I HEREBY WAIVE MY RIGHT TO AN ATTORNEY.

10. ☐ The Child is currently under the jurisdiction of the juvenile court/family court in _____ County, _____, in case number _____.
(STATE)

11. By completing and signing this Consent, I certify to the Court that I am of sound mind and:

- ☐ i. Hereby submit to the jurisdiction of the Court of the State of Missouri.
- ☐ ii. Understand this Consent will be filed with the juvenile court/family court in _____ County, Missouri and any other court in which proceedings concerning the Child may be pending.
- ☐ iii. Have had enough time to carefully consider whether or not consent to termination of parental rights and adoption is in my own best interest and the best interest of the Child.
- ☐ iv. Have given careful thought to my decision to proceed with this Consent.
- ☐ v. Am not under the influence of any drug, medication, or other substance which might affect my reasoning or judgment.
- ☐ vi. Have signed this Consent to termination of parental rights and adoption of my own free will and without any duress or undue influence from anyone.
- ☐ vii. Have not been given any money or gifts, and no one has promised to provide me any money or gifts in exchange for my consent other than payment of expenses allowed by law.

12. I choose to:

- ☐ waive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child that may be filed in any court of competent jurisdiction. I hereby waive my right to appear in any such proceedings and consent to a hearing thereof, at any time, without further notice to me;

OR

- ☐ reserve the right to receive service of summons and a copy of any petition seeking the termination of my parental rights and/or adoption of the child as may hereafter be filed in any court of competent jurisdiction.

13. ☐ I understand the importance of identifying all possible fathers of the child and may provide the names of all such persons:

14. ☐ I am the birth mother, and I have not misrepresented to any man who could be the father of this child that:

- ☐ i. I was not pregnant;
- ☐ ii. the pregnancy was terminated;
- ☐ iii. the child has died; or
- ☐ iv. the child is not his.

I CERTIFY BY MY SIGNATURE BELOW THAT I HAVE READ, CONSIDERED, AND UNDERSTAND ALL THE ABOVE STATEMENTS.

I, _____, hereby acknowledge that the statements provided above
(FULL LEGAL NAME)
are true, complete and correct.

SIGNATURE OF PARENT	DATE	TIME
SIGNATURE OF PARENT'S ATTORNEY OR INTERMEDIARY	DATE	TIME
SIGNATURE OF PARENT'S GUARDIAN AD LITEM (IF REQUIRED BY § 453.030.9 RSMO OR OTHER APPLICABLE LAW)	DATE	TIME

ACKNOWLEDGMENT OR WITNESSES TO PARENT'S CONSENT THIS CONSENT MUST BE:
A) EXECUTED IN FRONT OF A JUDGE, OR
B) ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR TWO ADULT WITNESSES

JUDGE

On this _____ day of _____, in the year _____, before me personally
(MONTH)
appeared _____ known to me to be the person who executed this
(FULL LEGAL NAME OF PARENT)

Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated, and I have advised the consenting parent of the consequences of the consent.

Judge

NOTARY

STATE OF MISSOURI)
)
COUNTY OF _____)

On this _____ day of _____, in the year _____, before me personally
(MONTH)
appeared _____ known to me to be the person who executed this
(FULL LEGAL NAME OF PARENT)

Consent to Termination of Parental Rights and Adoption and acknowledged to me that she/he executed the same for the purposes herein stated.

Notary Public

My Commission Expires: _____

WITNESSES		
THE UNDERSIGNED WITNESSES CERTIFY BY THEIR SIGNATURES THAT _____ (FULL LEGAL NAME OF PARENT)		
SIGNED THE CONSENT AND THE CONSENT WAS KNOWINGLY AND FREELY GIVEN. WE FURTHER CERTIFY WE ARE NOT THE PROSPECTIVE ADOPTIVE PARENTS OF THE ABOVE NAMED CHILD.		
PRINTED NAME AND DATE OF BIRTH OF WITNESS ONE	DATE	TIME
SIGNATURE OF WITNESS ONE	FULL ADDRESS OF WITNESS ONE	
PRINTED NAME AND DATE OF BIRTH OF WITNESS TWO	DATE	TIME
SIGNATURE OF WITNESS TWO	FULL ADDRESS OF WITNESS TWO	

**SPECIFIC CONSENT TO TERMINATION OF PARENTAL RIGHTS AND
CONSENT TO ADOPTION, FORM INSTRUCTIONS**

PURPOSE:

The purpose of this form is to provide written consent when a parent is consenting to termination of parental rights and allowing the child to be placed for adoption. The form must be fully completed by the parent in the presence of and signed by all appropriate persons.

INSTRUCTIONS FOR COMPLETION:

Parents shall never be required to sign an undated or incomplete consent form.

Those sections of the form which do not ask for written information should be read by the parent, and the attorney or intermediary assisting the parent shall ask questions of the parent to ensure their understanding and have the parent initial where indicated.

The attorney or intermediary assisting the parent shall document that the information was read by or read to the parent and that the birth parent was asked whether they understood the information provided to them and have parent initial where indicated.

Complete the indicated city/county information and child's name as well as the name, date of birth, age, sex and address of the parent executing the consent.

Complete Number 1 by entering the child's birth date and place of birth, and have parent initial.

Complete Number 2 (A) or (B) by indicating whether the parent is the mother, father, or possible birth father of the child, and have the parent initial.

Read and review Number 3 with the parent including the name of the adoptive parent to whom the parent is consenting for adoption, and the language in the section directly below Number 3, ensuring that they understand all that has been read, and have the parent initial.

Review Number 4 with the parent, ensuring that the parent understands, and have the parent initial.

Complete Number 5 with the parent by obtaining the number of years they attended education.

Complete Number 6 by choosing one or more of the listed options and have the parent initial. If choosing the last option, fill in the native language and name of interpreter.

Complete Number 7 with the parent by choosing one of the four options, completing the appropriate blanks, and have the parent initial the appropriate box.

Complete Number 8 by having the parent initial the appropriate box pertaining to the Indian

Child Welfare Act. If the parent indicates he or she is a member of an American Indian Tribe or Native Village, the child must be at least 10 days old and consent must be executed in the presence of judge. If the parent indicates he or she is not a member of an American Indian Tribe or Native Village, the child must be at least 48 hours old.

Complete Number 9 by reading and reviewing the two options, and indicate whether the parent has legal representation OR has waived that right to an attorney, then have the parent initial the appropriate box. Write in the name of the attorney, if the parent is represented.

Complete Number 10 by reading and filling in the name of the county, state and case number. Review and have the parent initial it.

Review Number 11, fill in the County name, ensuring the parent understands all seven statements and have the parent initial the boxes.

Read and review Number 12, allowing the parent to choose from one of the two options.

Read and review Number 13, adding names to any possible fathers of the child if applicable, and have the parent initial.

Review Number 14, ensuring the parent understands all four statements, and have the parent initial the box and each statement.

Fill in the parent's full legal name. Obtain the parent's signature, certifying that they have read, considered and understood all the above statements. Also, obtain the signature of the parent's attorney, and if applicable, the signature of the parent's guardian ad litem.

After the parent executes the form, have a notary public complete the Acknowledgment section and certification;

OR

Have two adult witnesses complete the witness section and provide their full address and signatures;

OR

If the consent is executed before a judge, have the judge sign to verify the identity of the consenting parent and to verify that he or she has advised the consenting parent of the consequences of the consent.

NUMBER OF COPIES, DISTRIBUTION AND RETENTION:

The completed, signed and notarized or witnessed consent shall be provided to the court to become part of the judicial record according to local protocol. A copy of the notarized or witnessed consent shall also be provided to the parent. Copies may be made for the attorney/intermediary, guardian ad litem, juvenile officer, and Children's Division worker.

AUTHORITY: Sections 211.444 and 453.030, RSMo.

AUTHORITY: section 207.020, RSMo Supp. 2014, and section 210.148, RSMo Supp. 2015. Original rule filed Aug. 19, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Children's Division at ADRULESFEEDBACK.CD@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 40—Family Support Division
Chapter 2—Income Maintenance**

PROPOSED RECISSION

13 CSR 40-2.250 Resource Eligibility Standards for Title XIX Under the Poverty Level. This rule established resource eligibility standards for Title XIX for pregnant women and children whose family income is less than one hundred percent (100%) of the federal poverty level per House Bill 518 which enacted section 208.151.1(12), RSMo.

PURPOSE: This rule is being rescinded because it is in violation of the Patient Protection and Affordable Care Act (PPACA) of 2010.

AUTHORITY: section 207.020, RSMo 1986. Original rule filed Jan. 5, 1988, effective June 11, 1988. Rescinded: Filed Aug. 19, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Social Services, Family Support Division, Julie Gibson, Director, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 2—Parole Consideration and Conditional Release**

PROPOSED AMENDMENT

14 CSR 80-2.010 Parole Eligibility, Hearings, Reviews and Release Dates. The board is amending sections (1)–(5).

PURPOSE: This amendment changes portions of the Division of Probation and Parole's procedures based upon significant changes in Missouri law including the promulgation of a revised criminal code.

PUBLISHER'S NOTE: The secretary of state has determined that

the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference [in this rule] titled "Procedures Governing the Granting of Paroles and Conditional Releases" shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Minimum Parole Eligibility. The following provisions apply to sentences where there is no minimum prison term established by statute requiring more time to be served.

(A) [Offenders convicted of driving while intoxicated and class C and D drug and non-violent felony offenses as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendix C are eligible for parole after fifteen percent (15%) of the maximum sentence has been served, except where statute would require more time to be served.] Offenders convicted of class D and E drug and non-violent, and D and E Driving While Intoxicated felony offenses, as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendices D, E, I, J, and N (published September 2016 and effective January 2017) are eligible for parole after fifteen percent (15%) of the maximum sentence has been served, except where state statute would require more time to be served.

(B) [Offenders convicted of driving while intoxicated as a persistent, aggravated, or chronic offender and enhanced non-violent class C and D felony offenses under section 558.016, RSMo are eligible for parole after twenty-five percent (25%) of the maximum sentence has been served, except where statute would require more time to be served.] Offenders convicted of class C drug and non-violent C felony offenses, as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendices F and K (published September 2016 and effective January 2017) are eligible for parole after twenty percent (20%) of the maximum sentence has been served except where state statute would require more time to be served.

(C) [Offenders convicted of class A and B drug and non-violent felony offenses as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendix C are eligible for parole after twenty-five percent (25%) of the maximum sentence has been served, except where statute requires more time to be served.] Offenders convicted of class A and B drug, non-violent class A and B, Driving While Intoxicated class- A, B, and C felony offenses, as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendices G, H, L, M, and O (published September 2016 and effective January 2017) are eligible for release after twenty-five percent (25%) of the maximum sentence has been served, except where state statute would require more time to be served.

(D) [Offenders convicted of violent offenses as shown in the Procedures Governing the Granting of Paroles and Conditional Releases, Appendix C, Sexual or Child Abuse (all classes of offenses) are eligible for parole after thirty-three percent (33%) of the maximum sentence has been served, except where statute would require more time to be served.] Offenders convicted of class A, B, C, D, and E sex and child abuse and violent class A, B, C, D, and E felony offenses, as shown in the Procedures Governing the Granting the Paroles and Conditional Releases, Appendices P, Q, R, and S (published September 2016 and effective January 2017) are eligible for release after thirty-three percent (33%) of the maximum sentence has been served, except where the state statute would require more time to be served.

(G) *[The Procedures Governing the Granting of Paroles and Conditional Releases—Appendices A–Q (revised April 2006) is hereby incorporated by reference and made part of this rule as published by the Board of Probation and Parole, 1511 Christy Drive, Jefferson City, MO 65101. This rule does not incorporate any subsequent amendments or additions.] The Procedures Governing the Granting of Paroles and Conditional Releases, Appendices A–S (published September 2016 and effective January 2017) is hereby incorporated by reference and made part of this rule as published by the Board of Probation and Parole 3400 Knipp Drive, Jefferson City, MO 65109. This rule does not incorporate any subsequent amendments or additions.*

(2) Medical Parole.

(A) A medical parole cannot be granted until the offender has reached his minimum eligibility as defined by Missouri statute.

[(A)](B) The board will consider a medical parole under the following conditions:

1. A specific recommendation to the parole board must be made by a correctional center physician responsible for the treatment, care, or custody of offenders who have serious physical, mental, or emotional problems; and

2. The parole board must determine that the offender will be able to obtain and receive proper care and helpful attention outside of the institution.

[(B)](C) If a medical parole is granted, the offender, as far as possible and practicable, will be required to comply with all the conditions of parole as set forth on the parole release document.

[(C)](D) An offender who has been granted a medical parole will be under the same kind and degree of field supervision as any other paroled prisoner, unless the board modifies supervision.

[(D)](E) An offender may be granted a medical parole for the specific purpose of special care or treatment. Upon recovery, or at any time, the offender may be subject to return to the Missouri Department of Corrections or any other disposition as the Board of Probation and Parole may deem appropriate.

(3) Purpose of Parole Hearings.

(A) Parole hearings allow the offenders the opportunity to—

1. Present to the hearing panel *[in person]* their own versions of the present offense and prior criminal history if any;

2. Discuss problems and needs;

3. Discuss progress made, or expected to be made, toward rehabilitation while confined;

4. Present reasons why they think they should be paroled;

5. Present plans for the future; and

6. Present and discuss any other matters that are appropriate for consideration including challenging allegations of fact that they perceive to be false.

(4) Scheduling.

(E) *[An offender serving a first incarceration for certain non-violent class C or D felonies with a sentence of five (5) years or less may be allowed to waive their personal hearing.] An offender serving an incarceration for a class C, D, or E (published September 2016 and effective January 2017) non-violent offense, excluding DWI and UDW, who has not failed an institutional treatment program and has a sentence length of seven (7) years or less may be allowed to waive their parole hearing.*

(5) Hearing Procedure.

(A) The offender will appear before the hearing panel. The hearing panel shall consist of one (1) member of the parole board and two (2) hearing officers appointed by the board.

1. Offenders may have a person of their choice at the hearing. The offender's *[representative]* delegate may offer a statement on behalf of the offender, ask questions, and provide any additional

information that may be requested by the hearing panel.

2. Other inmates may not be present at the hearing.

(F) The hearing shall not be open to the public and the records of all hearings shall be treated as confidential and shall not be opened to inspection by the offender concerned, the offender's *[representative]* delegate, or any other unauthorized persons (sections 217.670 and 549.500, RSMo).

AUTHORITY: sections 217.040 and 217.250, RSMo 2000, and sections 217.690 and 595.209, RSMo Supp. [2007] 2013. This rule was previously filed as 13 CSR 80-2.010. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 2—Parole Consideration and Conditional Release**

PROPOSED AMENDMENT

14 CSR 80-2.020 Parole Policy Guidelines. The board is amending section (5).

PURPOSE: This amendment changes portions of the Division of Probation and Parole's procedures based upon significant changes in Missouri law including the promulgation of a revised criminal code.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(5) The guideline matrices, salient factor score, and offense classification may be found in the *Procedures Governing the Granting of Paroles and Conditional Releases—Appendices A–[Q/S]* *[(revised April 2006)] published September 2016 and effective January 2017*. This material is hereby incorporated by reference and made part of this rule as published by the Board of Probation and Parole, *[1511 Christy Drive]* 3400 Knipp Dr, Jefferson City, MO 65101/19. This rule does not incorporate any subsequent amendments or additions.

AUTHORITY: section 217.690, RSMo Supp. [2007] 2013. This rule was previously filed as 13 CSR 80-2.020. Original rule filed on Nov. 15, 1968, effective Nov. 25, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Sept. 1, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Corrections, State Board of Probation and Parole, Ellis McSwain Jr., Chairman, 3400 Knipp Drive, Jefferson City, MO 65109. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 10—Office of the Director
Chapter 10—Vital Records**

PROPOSED RULE

19 CSR 10-10.130 Missouri Adoptee Rights

PURPOSE: This rule provides the process for an adoptee to receive a copy of his or her original birth certificate, the process for a birth parent to state his or her preference regarding whether and how the adoptee can contact him or her, and the process for completion of a medical history form by a birth parent.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) For purposes of this rule only, unless the context clearly indicates otherwise, the following terms mean:

(A) "Adoptee," an adopted person who was born in Missouri and is at least eighteen (18) years of age;

(B) "Applicant," the adoptee or the adoptee's attorney;

(C) "Attorney," a currently-licensed member of the Missouri Bar or bar of another state of the United States;

(D) "Birth parent," the parent(s) identified on the adoptee's original birth certificate;

(E) "Birth Parent Contact Preference Form," a form used by a birth parent to indicate his or her preference about contact with the adoptee;

(F) "Birth Parent Medical History Form," a form used by a birth parent to provide his or her medical history information to the adoptee;

(G) "Department," the Missouri Department of Health and Senior Services;

(H) "Identifying information," the name, date of birth, age, race, place of birth, occupation/industry/business, and address of the birth parent(s); any part of the child's name or any other name containing surnames of either birth parent; and informant name;

(I) "Intermediary," the person or agency identified by the birth parent to act as a means of contact between the birth parent and adoptee;

(J) "Original birth certificate," the adoptee's registered birth certificate sealed upon court order at the time of adoption;

(K) "Redact," to obscure or remove identifying information.

(2) Birth Parent Contact Preference Form. A birth parent may state his or her preference for contact with the adoptee by completing a Cover Sheet for Birth Parent Contact Preference Form and a Birth Parent Contact Preference Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the Department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall provide to the department adequate information as requested on the Cover Sheet for Birth Parent Contact Preference Form so that the department can identify the correct sealed file in which to place the form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(B) A birth parent may change his or her contact preference by completing a new Cover Sheet for Birth Parent Contact Preference Form and Birth Parent Contact Preference Form. A birth parent shall also pay a non-refundable fee for processing the form and searching for the original birth record in an amount equal to the fee for a certified copy of a birth certificate. The forms and fee shall be mailed or delivered to the department at the address listed in section (2) above. If the department is unable to identify the correct sealed file based upon the information provided by the birth parent on the Cover Sheet for Birth Parent Contact Preference Form, the department shall return the Cover Sheet for Birth Parent Contact Preference Form and the Birth Parent Contact Preference Form to the birth parent.

(C) A birth parent may request that an adoptee contact him or her only through an intermediary, rather than be contacted directly by the adoptee, as indicated by the birth parent on the Birth Parent Contact Preference Form. In this case, the birth parent shall write the name and contact information of the intermediary on the Birth Parent Contact Preference Form.

(D) If a birth parent has filed a Birth Parent Contact Preference Form with the department, the department shall provide a copy of the form to the applicant.

(E) If a birth parent has filed more than one (1) Birth Parent Contact Preference Form, the department shall issue a copy of only the most recently dated Birth Parent Contact Preference Form to the applicant.

(F) The Birth Parent Contact Preference Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Contact Preference Form.

(G) The department shall not issue a copy of the original birth certificate to the applicant when—

1. The applicant does not meet the requirements of section 193.125, RSMo, and this rule; or

2. Both birth parents have filed a Birth Parent Contact Preference Form indicating that they prefer not to be contacted or prefer contact through an intermediary.

(H) The department shall issue a non-certified, unredacted copy of the original birth certificate stamped "For genealogical purposes only—not to be used for establishing identity" upon request to a qualified applicant when—

1. The original birth certificate lists two (2) parents and neither birth parent has filed a Birth Parent Contact Preference Form;

2. The original birth certificate lists two (2) parents and both birth parents have filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted;

3. The original birth certificate lists two (2) parents and one (1)

parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted and the other parent has not filed a Birth Parent Contact Preference Form;

4. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted; or

5. The original birth certificate only lists one (1) parent and that parent has not filed a Birth Parent Contact Preference Form.

(I) The department shall issue a non-certified copy of the original birth certificate stamped "For genealogical purposes only—not to be used for establishing identity" to the applicant with the identifying information redacted for the birth parent who indicated they preferred not to be contacted or preferred to be contacted by an intermediary when—

1. The original birth certificate only lists one (1) parent and that parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact by an intermediary;

2. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has not filed a Birth Parent Contact Preference Form; or

3. The original birth certificate lists two (2) parents and one (1) parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers not to be contacted or prefers contact through an intermediary and the other parent has filed a Birth Parent Contact Preference Form indicating that he/she prefers to be contacted.

(3) Birth Parent Medical History Form. A birth parent may provide or update his or her medical history by completing a Cover Sheet for Birth Parent Medical History Form and a Birth Parent Medical History Form which are incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. Completed forms may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) A birth parent shall furnish to the department adequate information as requested on the Cover Sheet for Birth Parent Medical History Form so that the department can identify the correct sealed file in which to place the Birth Parent Medical History Form. If the department is unable to identify the correct sealed file based upon the information provided on the Cover Sheet for Birth Parent Medical History Form, the department shall return the Cover Sheet for Birth Parent Medical History Form and the Birth Parent Medical History Form to the birth parent.

(B) A birth parent may change or update the Birth Parent Medical History Form by completing a new Cover Sheet for Birth Parent Medical History Form and Birth Parent Medical History Form and delivering or mailing the forms to the department at the address listed in section (3) above.

(C) A birth parent shall provide information regarding only him or herself, and his or her blood relatives, such as mother, father, sisters, brothers, grandparents, and other biological children on the Birth Parent Medical History Form.

(D) If a birth parent has filed more than one (1) Birth Parent Medical History Form, the department shall release to the applicant a copy of only the most recently dated form.

(E) The department shall not use the information on the Cover Sheet for Birth Parent Medical History Form or Birth Parent Medical History Form for statistical or any other purposes and shall not disclose the information to anyone other than the adoptee or the adoptee's attorney.

(F) The copy of the Birth Parent Medical History Form issued to the adoptee shall not include the Cover Sheet for Birth Parent Medical History Form.

(4) Adoptees born before 1941. An adoptee born before 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning August 28, 2016, by completing an Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)-(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(5) Adoptees born in or after 1941. An adoptee born in or after 1941, or the adoptee's attorney, may request a copy of the adoptee's original birth certificate beginning January 1, 2018. To make a request, an applicant shall complete the Application for Non-Certified Copy of an Original Birth Certificate form which is incorporated by reference in this rule as published August 2016 and may be obtained at www.health.mo.gov or by calling (573) 751-6387. This rule does not incorporate any subsequent amendments or additions. The application shall include a non-refundable fee in an amount equal to the fee for a certified copy of a birth certificate. Completed forms and fees may be delivered in person to the department at 930 Wildwood Drive, Jefferson City, Missouri, or by mail to the Department of Health and Senior Services, PO Box 570, Jefferson City, MO 65102.

(A) If the adoptee's attorney submits the Application for Non-Certified Copy of an Original Birth Certificate form, the attorney shall provide the department with a statement signed by the adoptee or other documentation establishing the attorney's authority to act on behalf of the adoptee.

(B) The applicant shall furnish to the department adequate information as requested on the Application for Non-Certified Copy of an Original Birth Certificate form so that the department can identify the correct sealed file containing the original birth certificate.

(C) The department shall issue copies of the birth certificate as provided in subsections (2)(G)-(I) of this rule. If the department cannot locate the original birth certificate, the department shall issue to the applicant a written statement that no record was found.

(D) The copy of the original birth certificate issued to the applicant shall be stamped "For genealogical purposes only—not to be used for establishing identity."

(E) If the adoptee's parent(s) have provided a Birth Parent Contact Preference Form or Birth Parent Medical History Form to the department, the department shall provide a copy to the applicant.

(6) Applicants, birth parents, or others shall not send to the department items other than the forms prescribed by this regulation (e.g.,

letters, papers, photos, mementos, etc). Any such items sent to the department shall be discarded.

(7) The department shall not issue copies of vital records, including birth, death, marriage, or divorce records, for the birth parents to an adoptee.

(8) The department shall not amend the adoptee's original birth certificate as defined in this rule.

AUTHORITY: sections 193.035 and 193.045, RSMo 2000, and section 193.128, SCS for HCS for HB1599, Ninety-eighth General Assembly, Second Regular Session 2016. Emergency rule filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Original rule filed Aug. 29, 2016.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions sixteen thousand twenty-three dollars (\$16,023) annually in the aggregate.

PRIVATE COST: This proposed rule will cost private entities eighty-six thousand seven hundred dollars (\$86,700) annually in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Community and Public Health, Harold Kirbey, Division Director, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PUBLIC COST**

- I. **Department Title: Health and Senior Services**
Division Title: Office of the Director
Chapter Title: Vital Records

Rule Number and Name:	19 CSR 10-10.130 Missouri Adoptee Rights
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Missouri Department of Health and Senior Services	\$16,023

III. WORKSHEET**Revenues**

- 3,780 adoptee requests (application) for birth certificates x \$15 per application = \$56,700
- 2,000 contact preference forms filed x \$15/form = \$30,000.
- Total revenue = \$86,700 (\$56,700 + \$30,000)

Expenses

- 2.0 FTE Senior Office Support Assistant positions (salary, benefits, and standard equipment and expense) = \$99,671
- Printing of 60,000 forms x .02/form = \$1,200
- Postage of 3,780 requests x \$0.49 = \$1,852
- Total expenses = \$102,723

Net: \$86,700 (Revenues) - \$102,723 (Expenses) = **\$16,023 (Expenses)**

IV. ASSUMPTIONS

- Based on the number of phone calls received by Vital Records regarding requests for adoptee original birth certificates currently, it is estimated that 3,780 requests for adoption records will be made each year. DHSS shall collect a \$15 non-refundable fee per application for a copy of an original birth certificate received.
- Based on the experience of another state who recently implemented a similar law, it is estimated that 4,000 Birth Parent Contact Preference Forms and Birth Parent

Medical History forms will be filed with DHSS each year (two percent of 200,000 sealed files -- 4,000). DHSS assumes that half of these forms (2,000) will be Birth Parent Contact Preference Forms. DHSS shall collect a \$15 non-refundable fee for each Birth Parent Contact Preference Form filed.

- Based on the average time estimated to process birth certificate requests and to file contact preference and medical history forms (30 minutes per request and forms processing), 2.0 FTE clerical positions will be needed (30 minutes x 7,780 = 3,890 hours; $3,890 \text{ hours} / 2,080 = 1.87 \text{ FTE}$).

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Health and Senior Services
Division Title: Office of the Director
Chapter Title: Vital Records**

Rule Number and Title:	19 CSR 10-10.130 Missouri Adoptee Rights
Type of Rulemaking:	Proposed

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
200,000	Missouri Adoptees	\$56,700
400,000	Birth Parents of Missouri Adoptees	\$30,000
	Total	\$86,700

III. WORKSHEET

- 3,780 adoptee requests for birth certificates x \$15 per certificate = \$56,700 (annually)
- 2,000 Birth Parent Contact Preference Forms filed x \$15 = \$30,000.

IV. ASSUMPTIONS

- Based on the number of phone calls received by Vital Records regarding requests for adoptee original birth certificates currently, it is estimated that 3,780 requests for adoption records will be made each year. DHSS shall collect a \$15 non-refundable fee per application for a copy of an original birth certificate received.
- Based on the experience of another state who recently implemented a similar law, it is estimated that 4,000 Birth Parent Contact Preference Forms and Birth Parent Medical History forms will be filed with DHSS each year (two percent of 200,000 sealed files = 4,000). DHSS assumes that half of these forms (2,000) will be Birth Parent Contact Preference Forms. DHSS shall collect a \$15 non-refundable fee for each Birth Parent Contact Preference Form filed.

**Title 19—DEPARTMENT OF HEALTH
AND SENIOR SERVICES
Division 20—Division of Community and Public Health
Chapter 20—Communicable Diseases**

PROPOSED AMENDMENT

19 CSR 20-20.020 Reporting Communicable, Environmental, and Occupational Diseases. The department is amending subsection (2)(A) and section (5).

PURPOSE: This amendment will bring the communicable disease reporting requirements into compliance with the current federal Centers for Disease Control guidelines as required by section 192.139, RSMo 2000, and updates the rule to require reporting of Carbapenem-resistant enterobacteriaceae (CRE) infections as provided by a legislative amendment to section 192.020 that went into effect August 28, 2016.

(2) Reportable within one (1) day, diseases or findings shall be reported to the local health authority or to the Department of Health and Senior Services within one (1) calendar day of first knowledge or suspicion by telephone, facsimile, or other rapid communication. Reportable within one (1) day, diseases or findings are—

(A) Diseases, findings, or agents that occur naturally, or from accidental exposure, or as a result of an undetected bioterrorism event:

- Animal (mammal) bite, wound, humans
- Brucellosis
- Chikungunya**
- Cholera
- Dengue virus infection
- Diphtheria
- Glanders (*Burkholderia mallei*)
- Haemophilus influenzae*, invasive disease
- Hantavirus pulmonary syndrome
- Hemolytic uremic syndrome (HUS), postdiarrheal
- Hepatitis A
- Influenza-associated mortality
- Influenza-associated public and/or private school closures
- Lead (blood) level greater than or equal to forty-five micrograms per deciliter ($\geq 45 \mu\text{g/dl}$) in any person
- Measles (rubeola)
- Melioidosis (*Burkholderia pseudomallei*)
- Meningococcal disease, invasive
- Novel Influenza A virus infections, human
- Outbreaks (including nosocomial) or epidemics of any illness, disease, or condition that may be of public health concern, including any illness in a food handler that is potentially transmissible through food
- Pertussis
- Poliovirus infection, nonparalytic
- Q fever (acute and chronic)
- Rabies (animal)
- Rubella, including congenital syndrome
- Shiga toxin-producing *Escherichia coli* (STEC)
- Shiga toxin positive, unknown organism
- Shigellosis
- Staphylococcal enterotoxin B
- Syphilis, including congenital syphilis
- T-2 mycotoxin
- Tetanus
- Tuberculosis disease
- Tularemia (all cases other than suspected intentional release)
- Typhoid fever (*Salmonella typhi*)
- Vancomycin-intermediate *Staphylococcus aureus* (VISA), and Vancomycin-resistant *Staphylococcus aureus* (VRSA)
- Venezuelan equine encephalitis virus neuroinvasive disease

- Venezuelan equine encephalitis virus nonneuroinvasive disease
- Viral hemorrhagic fevers other than suspected intentional (e.g., Viral hemorrhagic fever diseases: Ebola, Marburg, Lassa, Lujo, new world Arenavirus (Guanarito, Machupo, Junin, and Sabia viruses), or Crimean-Congo)

Yellow fever[;]

Zika;

(5) Reportable quarterly diseases or findings shall be reported directly to the Department of Health and Senior Services quarterly. These diseases or findings are[;]—

Carbapenem-resistant enterobacteriaceae (CRE), nosocomial
Methicillin-resistant *Staphylococcus aureus* (MRSA), nosocomial
Vancomycin-resistant enterococci (VRE), nosocomial.

AUTHORITY: sections 192.006, 210.040, and 210.050, RSMo 2000, and section 192.020, [RSMo Supp. 2013] SB 579, Ninety-eighth General Assembly, Second Regular Session 2016. This rule was previously filed as 13 CSR 50-101.020. Original rule filed July 15, 1948, effective Sept. 13, 1948. For intervening history, please consult the Code of State Regulations. Emergency amendment filed Aug. 29, 2016, effective Sept. 8, 2016, expires March 6, 2017. Amended: Filed Aug. 29, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Health and Senior Services, Harold Kirby, Division Director, Division of Community and Public Health, PO Box 570, Jefferson City, MO 65102-0570. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

PROPOSED RULE

20 CSR 700-1.170 Licensing Procedures and Standards for Limited Lines Self-Service Storage Insurance Producers

PURPOSE: This rule prescribes the license application process, fee, and initial training for limited lines self-service storage insurance producers. This rule also prescribes the register for listing individuals that offer self-service storage insurance on the behalf of the licensed limited lines self-service storage insurance producer. Any form referenced in this regulation may be accessed at the department's website at www.insurance.mo.gov.

(1) Application and Fees. Application for a limited lines self-service storage insurance producer license shall include the following:

(A) A completed application form, included herein as Exhibit 1 of this rule, or any form that substantially comports with the specified form; and

(B) One hundred dollar (\$100) application fee.

(2) Qualified Training Program.

(A) Applicants for a limited lines self-service storage insurance

producer license shall complete a training course approved by the director, as listed on the department's limited lines self-service storage insurance producer webpage at www.insurance.mo.gov.

(B) An individual licensed in Missouri as an insurance producer with the property insurance line of authority shall be deemed as having completed the qualified training program requirement described in subsection (2)(A).

(3) Register of Individuals Offering Self-Service Storage Insurance on Limited Lines Self-Service Storage Insurance Producer's Behalf.

(A) Contents of register to be established, maintained, and updated by the limited lines self-service storage insurance producer.

1. Each limited lines self-service storage insurance producer shall establish at the time of licensure, and thereafter maintain and update annually, a self-service storage register that shall include the following:

A. Name, address, telephone number, and email address of the limited lines self-service storage insurance producer;

B. Name, address, telephone number, and email address of any officer or person who directs or controls the limited lines self-service storage insurance producer's operations;

C. Name, address, telephone number, and email address of each individual that offers self-service storage insurance on behalf of the limited lines self-service storage insurance producer;

D. The self-service storage facility's federal tax identification number; and

E. Dated signature by the limited lines self-service storage insurance producer, under penalty of perjury, certifying that each individual listed on the self-service storage register complies with 18 U.S.C. Section 1033.

(B) The limited lines self-service storage insurance producer shall submit the self-service storage register within thirty (30) days upon request by the department.

(4) The limited lines self-service storage insurance producer shall require each employee and authorized representative of the self-service storage insurance producer to receive a program of instruction or training that has been reviewed and approved by the director. The training material shall, at a minimum, contain instructions on the types of insurance offered, ethical sales practices, and required disclosures to prospective customers.



MISSOURI DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION
LICENSING SECTION

**APPLICATION FOR LIMITED LINES SELF-SERVICE
STORAGE INSURANCE PRODUCER LICENSE**

EXHIBIT 1

P.O. BOX 690 OR
P.O. BOX 4001 FOR CORRESPONDENCE WITH FEES
JEFFERSON CITY, MISSOURI 65102
THIS FORM MAY BE DUPLICATED

PLEASE PRINT OR TYPE

1. SOCIAL SECURITY NUMBER			2. DATE OF BIRTH										
3. LAST NAME		JR./SR., ETC.		4. FIRST NAME		5. MIDDLE NAME							
6. RESIDENCE/HOME ADDRESS (PHYSICAL STREET)		7. P.O. BOX		8. CITY		9. STATE		10. ZIP CODE		11. COUNTRY			
12. HOME TELEPHONE NUMBER				13. MOBILE TELEPHONE NUMBER				14. PERSONAL EMAIL ADDRESS					
15. GENDER (CHECK ONE) <input type="checkbox"/> Male <input type="checkbox"/> Female		16. ARE YOU A CITIZEN OF THE UNITED STATES? (CHECK ONE) (IF NO, PLEASE ATTACH DOCUMENTATION THAT PROVES YOUR ELIGIBILITY TO WORK IN THE UNITED STATES) <input type="checkbox"/> Yes <input type="checkbox"/> No If no, of which country are you a citizen? _____											
17. BUSINESS ENTITY NAME													
18. BUSINESS ENTITY ADDRESS (PHYSICAL STREET)				19. P.O. BOX		20. CITY		21. STATE		22. ZIP CODE		23. COUNTRY	
24. BUSINESS TELEPHONE NUMBER (INCLUDE EXT.)				25. BUSINESS FAX NUMBER		26. BUSINESS EMAIL ADDRESS				27. BUSINESS WEBSITE ADDRESS			
28. APPLICANT'S MAILING ADDRESS		29. P.O. BOX		30. CITY				31. STATE		32. ZIP CODE		33. COUNTRY	
34A. LIST ALL OTHER ASSUMED, FICTITIOUS, ALIAS, MAIDEN OR TRADE NAMES YOU HAVE USED IN THE PAST.													
34B. LIST ALL TRADE NAMES UNDER WHICH YOU ARE CURRENTLY DOING BUSINESS OR INTEND TO DO BUSINESS.													

EMPLOYMENT HISTORY

35. Account for all time for the past five years. List all employment experience starting with your current employer working back five years. Include full and part-time work, self-employment, military service, unemployment, and full-time education.

NAME	CITY	STATE	COUNTRY	FROM		TO		POSITION HELD
				MONTH	YEAR	MONTH	YEAR	

BACKGROUND INFORMATION

36. The Applicant must read the following very carefully and answer every question. All written statements submitted by the Applicant must include an original signature.

1. Have you ever been convicted of a crime, had a judgment withheld or deferred, received a suspended imposition of sentence ("SIS") or suspended execution of sentence ("SES"), or are you currently charged with committing a crime? ☐ YES ☐ NO
- "Crime" includes a misdemeanor, felony, or a military offense. You may exclude any of the following if they are/were misdemeanor traffic citations or misdemeanors: driving under the influence (DUI), driving while intoxicated (DWI), driving without a license, reckless driving, or driving with a suspended or revoked license. You may also exclude misdemeanor juvenile convictions. You must include felony DUI and DWI convictions.
- "Convicted" includes, but is not limited to, having been found guilty by verdict of a judge or jury, having entered a plea of guilty or nolo contendere, having entered an Alford Plea, or having been given probation, a suspended sentence, or a fine.

BACKGROUND INFORMATION

"Had a judgment withheld or deferred" includes circumstances in which a guilty plea was entered and/or a finding of guilt was made, but imposition or execution of the sentence was suspended (for instance, the defendant was given a suspended imposition of sentence or a suspended execution of sentence – sometimes called an "SIS" or "SES").

Unless excluded by the language above, you must disclose convictions that have been expunged.

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each incident,
- b) a certified copy of the charging document, and
- c) a certified copy of the official document that demonstrates the resolution of the charges or any final judgment.

2. Have you ever been named or involved as a party in an administrative proceeding or action regarding any professional or occupational license or registration, or regarding the lack of such license or registration?

☐ YES ☐ NO

"Involved" means having a license censured, suspended, revoked, canceled, terminated or being assessed a fine, a voluntary forfeiture, a cease and desist order, a prohibition order, a consent order, or being placed on probation. "Involved" also includes the act of surrendering a license to resolve an administrative proceeding or action. "Involved" also means being named as a party to an administrative or arbitration proceeding that is related to a professional or occupational license or is related to the lack of such license. "Involved" also means having a license application denied or the act of withdrawing an application to avoid a denial. You must INCLUDE any business so named because of your actions or because of your capacity as an owner, partner, officer, director, or member or manager of a Limited Liability Company. You may EXCLUDE terminations due solely to noncompliance with continuing education requirements or failure to pay a renewal fee.

If you answer yes, you must attach to this application:

- a) a written statement identifying the type of license and explaining the circumstances of each incident,
- b) a copy of the Notice of Hearing or other document that states the charges and allegations, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

3. Has any demand been made or judgment rendered against you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company, for overdue monies by a provider, an administrator, an insurer, an insured, or a producer?

☐ YES ☐ NO

Have you or any business of which you are or were an owner, partner, officer or director, or member or manager of a Limited Liability Company ever been subject to a bankruptcy proceeding?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of the demand or judgment,
- b) a certified copy of the judgment, a copy of the demand, and copies of any other relevant documents,
- c) a certified copy of the official document that demonstrates the resolution of the demand or judgment,
- d) a written statement detailing the case number, type of bankruptcy, the court it was filed before, and summarizing the details of the indebtedness and arrangements for repayment,
- e) a certified copy of the "Notice of Bankruptcy" or its equivalent, and
- f) a certified copy of the "Order Discharging Debtor" or its equivalent.

4. Have you failed to pay state or federal income tax?

☐ YES ☐ NO

Have you failed to comply with an administrative or court order directing payment of state or federal income tax?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement explaining the circumstances of each administrative or court order,
- b) copies of all relevant documents (i.e. demand letter from the Department of Revenue or Internal Revenue Service, etc.),
- c) a certified copy of each administrative or court order, judgment, and/or lien, and
- d) a certified copy of the official document that demonstrates the resolution of the tax delinquency (i.e. tax compliance letter, etc.).

5. Are you currently a party to, or ever been found liable in, any lawsuit, arbitration or mediation proceeding involving allegations of fraud, misappropriation or conversion of funds, misrepresentation or breach of fiduciary duty?

☐ YES ☐ NO

If you answer yes, you must attach to this application:

- a) a written statement summarizing the details of each incident,
- b) a certified copy of the Petition, Complaint or other document that commenced the lawsuit and/or arbitration, or mediation proceedings, and
- c) a certified copy of the official document that demonstrates the resolution of the charges and/or a final judgment.

BACKGROUND INFORMATION

6. Have you ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- Has any business in which you are or were an owner, partner, officer or director ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- Have you or any business in which you are or were a member or manager of a Limited Liability Company, ever had an insurance agency contract or any other business relationship with an insurance company terminated for any alleged misconduct? ☐ YES ☐ NO
- If you answer yes, you must attach to this application:
- a) a written statement summarizing the details of each incident and explaining why you feel this incident should not prevent you from receiving a motor vehicle extended service contract producer license, and
 - b) copies of all relevant documents.
7. Do you currently have or have you had a child support obligation? ☐ YES ☐ NO
- If you answer yes:
- a) are you in arrearage? ☐ YES ☐ NO
 - b) by how many months are you in arrearage? _____ months
 - c) what is the total amount of your arrearage? _____
 - d) are you currently subject to a repayment agreement to cure the arrearage? (If you answer yes, provide documentation showing an approved repayment plan from the appropriate state child support agency.) ☐ YES ☐ NO
 - e) are you in compliance with said repayment agreement? (If you answer yes, provide documentation showing proof of current payments from the appropriate state child support agency.) ☐ YES ☐ NO
 - f) are you the subject of a child support related subpoena/warrant? (If you answer yes, provide documentation showing proof of current payments or an approved repayment plan from the appropriate state child support agency.) ☐ YES ☐ NO
 - g) have you ever been convicted of a misdemeanor or felony for failure to pay child support? ☐ YES ☐ NO

APPLICANT'S CERTIFICATION AND ATTESTATION

37. The Applicant must read the following very carefully:

1. I hereby certify, under penalty of perjury, that all of the information submitted in this application and attachments is true and complete. I am aware that submitting false information or omitting pertinent or material information in connection with this application is grounds for license revocation or denial of the license and may subject me to civil or criminal penalties.
2. I further certify that I grant permission to the Director to verify my information with any federal, state and/or local government agency, current or former employer, or insurance company.
3. I further certify, under penalty of perjury, that a) I have no outstanding state or federal income tax obligations, or b) I have an outstanding state or federal income tax obligation and I have provided all information and documentation requested in Background Information Question 36.4.
4. I further certify, under penalty of perjury, that a) I have no child support obligation, b) I have a child support obligation and I am currently in compliance with that obligation, or c) I have a child support obligation that is in arrears, I am in compliance with a repayment plan to cure the arrears, and I have provided all information and documentation requested in Background Information Question 36.7.
5. I authorize the Director to give any information concerning me, as permitted by law, to any federal, state or municipal agency, or any other governmental organization. I further release the Director and all persons acting on the Director's behalf from any and all liability of whatever nature by reason of furnishing such information.
6. I acknowledge that I understand and will comply with the self-service storage laws and regulations of Missouri and of any other jurisdiction to which I apply for licensure.
7. Non-Resident License Applicants: I certify that I am licensed and in good standing in my home state/resident state for the lines of authority requested from Missouri. (Applies only if Applicant's home state/resident state issues licenses that authorize the marketing of limited lines self-storage insurance.)

APPLICANT'S CERTIFICATION AND ATTESTATION (CONTINUED)

APPLICANT'S ORIGINAL SIGNATURE

FULL LEGAL NAME (PRINTED OR TYPED)

MONTH/DAY/YEAR

NOTARYNOTARY PUBLIC EMBOSSE OR
BLACK INK RUBBER STAMP SEAL

STATE

COUNTY (OR CITY OF ST. LOUIS)

SUBSCRIBED AND SWORN BEFORE ME, THIS

DAY OF

YEAR

USE RUBBER STAMP IN CLEAR AREA BELOW.

NOTARY PUBLIC SIGNATURE

MY COMMISSION
EXPIRES

NOTARY PUBLIC NAME (TYPED OR PRINTED)

INSTRUCTIONS

1. All applicants must submit a nonrefundable \$100 application fee in the form of a check or money order, made payable to DIFP - Insurance.
2. Mail completed application to: MO DIFP -- Insurance
P.O. Box 4001
Jefferson City, MO 65102-4001

AUTHORITY: section 374.045, RSMo Supp. 2013, and section 379.1640, SS SCS HCS HB 2194, Second Regular Session, Ninety-eighth General Assembly, 2016. Emergency rule filed Aug. 18, 2016, effective Aug. 28, 2016, expires Feb. 23, 2017. Original rule filed Aug. 18, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities sixty thousand dollars (\$60,000) in the aggregate.

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Insurance, Financial Institutions and Professional Registration, Attention: Mark Rachel, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10:00 a.m. on November 2, 2016, at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri.*

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

FISCAL NOTE
PRIVATE COST**I. Department of Insurance, Financial Institutions and Professional Registration**
Division 700 – Insurance Licensing
Chapter 1 – Insurance Producers

Rule Number and Title:	20 CSR 700-1.170 Licensing Procedures and Standards for Limited Lines Self-Service Storage Insurance Producers
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
600 Individuals	Individuals seeking to be licensed under state law as a limited lines self-service storage insurance producer.	\$60,000

III. WORKSHEET

	UNITS	APPLICATION FEE	TOTAL
Limited Lines Self-Service Storage Insurance Producer	600	\$100.00	\$60,000.00
TOTAL			\$60,000.00

IV. ASSUMPTIONS

In the statute and the proposed rule, the fee of \$100 is established for a limited lines self-service storage insurance producer license. The Department estimates that approximately 600 individuals will submit applications for licensure in the first year after promulgation of the proposed rule. This estimate is based on informal research of the number of self-storage entities in Missouri.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2110-2.010 Licensure by Examination—Dentists. The board is amending section (3).

PURPOSE: The Missouri Dental Board no longer administers a clinical competency exam for licensure. As a result the board does not have a means to deny further examination to someone who has failed a clinical exam multiple times. Multiple failures of a clinical competency exam are evidence of incompetence. This proposed change to the rule will allow the board to deny an application for licensure based upon this evidence of incompetence.

(3) Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental school before further re-examination. If the applicant fails a third examination, the board may deny the [applicant further examination] application pursuant to section 332.321.2(5), RSMo. Before entering a program of remedial instruction, the applicant shall—

AUTHORITY: sections 332.031, 332.141, and 332.151, RSMo 2000, and section 332.181, RSMo Supp. [2012] 2013. This rule originally filed as 4 CSR 110-2.010. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2110-2.050 Licensure by Examination—Dental Hygienists. The board is amending section (3).

PURPOSE: The Missouri Dental Board no longer administers a clinical competency exam for licensure. As a result the board does not have a means to deny further examination to someone who has failed a clinical exam multiple times. Multiple failures of a clinical competency exam are evidence of incompetence. This proposed change to the rule will allow the board to deny an application for licensure based upon this evidence of incompetence.

(3) Should an applicant fail a clinical competency examination twice, the board may require the applicant to complete remedial instruction in the deficient area(s) from an accredited dental hygiene school before further re-examination. If the applicant fails a third examination, the board may deny the [applicant further examination] application pursuant to section 332.321.2(5), RSMo. Before entering a program of remedial instruction, the applicant shall—

AUTHORITY: sections 332.031, 332.231, 332.241, and 332.251, RSMo 2000, and section 332.261, RSMo Supp. [2012] 2013. This rule originally filed as 4 CSR 110-2.050. Original rule filed Dec. 12, 1975, effective Jan. 12, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Aug. 30, 2016.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Dental Board, PO Box 1367, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or via email at dental@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 2—Licensing of Physicians and Surgeons**

PROPOSED RESCISSION

20 CSR 2150-2.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which the chapter authorized not to exceed the cost and expense of administering the chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The board is also revising the structure of the rules to provide a more clear and concise schedule of fees.

AUTHORITY: sections 334.090.2 and 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the

aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 2—Licensing of Physicians and Surgeons

PROPOSED RULE

20 CSR 2150-2.080 Physician Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physician

- | | |
|--------------------------------------|-------|
| 1. Assistant Physician | |
| A. Licensure Fee | \$300 |
| B. Renewal Fee | \$135 |
| C. Prescriptive Authority Fee | \$ 50 |
| 2. Contiguous State License | |
| A. Licensure Fee | \$ 25 |
| B. Renewal Fee | \$ 25 |
| 3. Limited License | |
| A. Licensure Fee | \$ 25 |
| B. Renewal Fee | \$ 25 |
| 4. Permanent Physician | |
| A. Licensure Fee | \$ 75 |
| B. Reinstatement Fee | \$ 75 |
| C. Renewal Fee | \$100 |
| 5. Temporary Physician | |
| A. Conditional Temporary License Fee | \$ 25 |
| B. Temporary License Fee | \$ 25 |
| C. Temporary License Renewal Fee | \$ 25 |
| 6. Visiting Professor | |
| A. Licensure Fee | \$ 25 |
| B. Renewal Fee | \$ 25 |

(B) General Fees

- | | |
|---|-------|
| 1. Continuing Medical Education Extension Fee | \$ 25 |
| 2. Duplicate License Fee | \$ 0 |
| 3. Endorsement of State Test Scores | \$ 25 |
| 4. Late Renewal Fee (Delinquent Fee) | \$ 25 |
| 5. Returned Check Fee | \$ 25 |
| 6. Verification of Licensure Fee | \$ 0 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.090.2, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-2.080. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately one million two hundred fifty thousand eight hundred eighty dollars (\$1,250,880) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately one million two hundred fifty thousand eight hundred eighty dollars (\$1,250,880) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.080 Physician Licensure Fees.**

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$1,250,880
	Total Loss of Revenue Annually for the Life of the Rule	\$1,250,880

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 2 - Licensing of Physicians and Surgeons
Proposed Rule - 20 CSR 2150-2.080 Physician Licensure Fees.

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Contiguous State Licensure Fee	\$ 30.00	\$ 25.00	137	\$ 685.00
Contiguous State Licensure Renewal Fee	\$ 30.00	\$ 25.00	163	\$ 815.00
Permanent Physician Examination Fee	\$ 300.00	\$ 75.00	1,645	\$ 370,125.00
Permanent Physician Reinstatement Fee	\$ 300.00	\$ 75.00	32	\$ 7,200.00
Permanent Physician Renewal Fee	\$ 135.00	\$ 100.00	24,206	\$ 847,210.00
Conditional Temporary License Fee	\$ 30.00	\$ 25.00	55	\$ 275.00
Temporary Physician License Fee	\$ 30.00	\$ 25.00	872	\$ 4,360.00
Temporary Physician License Renewal Fee	\$ 30.00	\$ 25.00	2,467	\$ 12,335.00
Visiting Professor License Fee	\$ 150.00	\$ 25.00	7	\$ 875.00
Visiting Professor Licensure Renewal Fee	\$ 75.00	\$ 25.00	7	\$ 350.00
Endorsement of State Test Scores	\$ 50.00	\$ 25.00	16	\$ 400.00
Late Renewal/Delinquent Fee	\$ 50.00	\$ 25.00	250	\$ 6,250.00
Estimated Annual Savings for the Life of the Rule				\$1,250,880

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew annually.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED RESCISSION

20 CSR 2150-3.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo, authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in rule is unnecessary; and removing language that limits the type of payment that can be submitted.

AUTHORITY: sections 334.090, 334.125, and 334.580, RSMo 2000 and sections 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED RULE

20 CSR 2150-3.080 Physical Therapists Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is

statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physical Therapist

1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Temporary License Fee	\$10
4. Renewal Fee	\$50
5. Reinstatement of an Inactive License Fee	\$25

(B) General Fees

1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Endorsement of Board Scores	\$25
4. Late Renewal Fee (Delinquent Fee)	\$25
5. Return Check Fee	\$25
6. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.580, RSMo 2000, sections 334.090, 334.540, 334.550, 334.560, and 334.687, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-3.080. Original rule filed Aug. 10, 1983, effective Nov. 11, 1983. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately eight thousand one hundred twenty-five dollars (\$8,125) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately eight thousand one hundred twenty-five dollars (\$8,125) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.080 Physical Therapists Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$8,125
	Total Loss of Revenue Biennially for the Life of the Rule	\$8,125

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual biennial renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.080 Physical Therapy Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure by Examination Fee	\$ 50.00	\$ 25.00	219	\$ 5,475.00
Reciprocity License Fee	\$ 50.00	\$ 25.00	101	\$ 2,525.00
Reinstatement of an Inactive	\$ 50.00	\$ 25.00	5	\$ 125.00
Estimated Biennial Savings for the Life of the Rule				\$8,125

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew biennially. This fiscal note shows the number expected to renew biennially.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED RESCISSION

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees. This rule established the fees the Missouri State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Pursuant to Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo authorized not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees; removing section (3) of the current rule with reference to money drawn on a United States bank, as this language in the rule is unnecessary; and removing language that limits the type of payment that can be submitted.

AUTHORITY: section 334.125, RSMo 2000 and sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2008. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and Physical
Therapist Assistants**

PROPOSED RULE

20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Physical Therapist Assistant

1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Temporary License Fee	\$10
4. Renewal Fee	\$50
5. Reinstatement of an Inactive License Fee	\$25

(B) General Fees

1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Endorsement of Board Scores	\$25
4. Late Renewal Fee (Delinquent Fee)	\$25
5. Return Check Fee	\$25
6. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 334.655, 334.660, 334.670, and 334.687, RSMo Supp. 2013, and section 334.125, RSMo Supp. 2014. This rule originally filed as 4 CSR 150-3.170. Original rule filed Sept. 4, 1997, effective March 30, 1998. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately nine thousand four hundred fifty dollars (\$9,450) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately nine thousand four hundred fifty dollars (\$9,450) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 - Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$9,450
	Total Loss of Revenue Biennially for the Life of the Rule	\$9,450

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE**I. RULE NUMBER**

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 3 -Licensing of Physical Therapists and Physical Therapist Assistants
Proposed Rule - 20 CSR 2150-3.170 Physical Therapist Assistant Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure by Examination Fee	\$ 50.00	\$ 25.00	269	\$ 6,725.00
Reciprocity License Fee	\$ 50.00	\$ 25.00	103	\$ 2,575.00
Reinstatement of an Inactive License Fee	\$ 50.00	\$ 25.00	6	\$ 150.00
			Estimated Biennial Savings for the Life of the Rule	\$9,450

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew biennially.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED RESCISSION

20 CSR 2150-4.060 Fees. This rule established the fees for speech pathologists or audiologists, or both.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees and removing language that limits the type of payment that can be submitted. Additionally, due to the implementation of SB107 of the 98th General Assembly (2015), fees related to the provisional licensure are being rescinded.

AUTHORITY: sections 345.015, 345.022, 345.030, 345.045, and 345.055, RSMo Supp. 2007 and section 345.051, RSMo 2000. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED RULE

20 CSR 2150-4.060 Speech-Language Pathology and Audiology Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sec-

tions 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Speech-Language Pathologist and Audiologist

- | | |
|----------------------|------|
| 1. Licensure Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$50 |

(B) Speech-Language Pathology and Audiology Aide

- | | |
|----------------------|------|
| 1. Registration Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$20 |

(C) Speech-Language Pathology Assistant

- | | |
|----------------------|------|
| 1. Registration Fee | \$25 |
| 2. Reinstatement Fee | \$25 |
| 3. Renewal Fee | \$20 |

(D) General Fees

- | | |
|---------------------------------------|------|
| 1. Continuing Education Extension Fee | \$25 |
| 2. Duplicate License Fee | \$ 0 |
| 3. Return Check Fee | \$25 |
| 4. Verification of Licensure Fee | \$ 0 |

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 345.015 and 345.051, RSMo Supp. 2015, and sections 345.030, 345.045, and 345.055, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-4.060. Original rule filed July 1, 1988, effective Oct. 27, 1988. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately eighty-six thousand eight hundred ninety-three dollars (\$86,893) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately eighty-six thousand eight hundred ninety-three dollars (\$86,893) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE**I. RULE NUMBER**

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 4 - Licensing of Speech Language Pathologists and Audiologists
Proposed Rule - 20 CSR 2150-4.060 Speech Language Pathology and Audiology Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$86,893
	Total Loss of Revenue Biennially for the Life of the Rule	\$86,893

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual biennial renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 4 - Licensing of Speech Language Pathologists and Audiologists
Proposed Rule - 20 CSR 2150-4.060 Speech Language Pathology and Audiology Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure by Application Processing	\$ 50.00	\$ 25.00	285	\$ 7,125.00
Audiologist Biennial Licensure	\$ 233.00	\$ 50.00	436	\$ 79,788.00
Continuing Education Extension Fee	\$ 15.00	\$ 25.00	2	\$ (20.00)
Estimated Biennial Savings for the Life of the Rule				\$86,893

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew biennially. This fiscal note shows the number expected to renew biennially.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

PROPOSED RESCISSION

20 CSR 2150-6.050 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts charged pursuant to Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

AUTHORITY: section 334.125, RSMo 2000 and section 334.706.3(2), RSMo Supp. 2007. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 6—Licensure of Athletic Trainers

PROPOSED RULE

20 CSR 2150-6.050 Athletic Trainer Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–

334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Athletic Trainer

1. Licensure Fee	\$25
2. Renewal Fee	\$25

(B) General Fees

1. Duplicate License Fee	\$ 0
2. Late Renewal Fee (Delinquent Fee)	\$25
3. Return Check Fee	\$25
4. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo Supp. 2014, and section 334.706.3(2), RSMo Supp. 2013. This rule originally filed as 4 CSR 150-6.050. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. For intervening history, please consult the *Code of State Regulations*. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately thirty-four thousand seven hundred thirty dollars (\$34,730) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately thirty-four thousand seven hundred thirty dollars (\$34,730) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 6 - Licensure of Athletic Trainers
Proposed Rule - 20 CSR 2150-6.050 Athletic Trainer Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$34,730
	Total Loss of Revenue Annually for the Life of the Rule	\$34,730

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE**I. RULE NUMBER**

**Title 20 - Department of Insurance, Financial Institutions and Professional
Division 2150 - State Board of Registration for the Healing Arts
Chapter 6 - Licensure of Athletic Trainers
Proposed Rule - 20 CSR 2150-6.050 Athletic Trainer Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure Fee	\$ 100.00	\$ 25.00	157	\$ 11,775.00
Renewal Fee	\$ 50.00	\$ 25.00	929	\$ 23,225.00
Reinstatement Fee	\$ 10.00	\$ 25.00	18	\$ (270.00)
Estimated Annual Savings for the Life of the Rule				\$34,730

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew annually.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

PROPOSED RESCISSION

20 CSR 2150-7.200 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of the fees which Chapter 334, RSMo, authorized not to exceed the cost and expense of administering that chapter.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

AUTHORITY: sections 334.125, 334.736, 334.738, and 334.743, RSMo 2000 and section 334.735, RSMo Supp. 2010. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the **Code of State Regulations**. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 7—Licensing of Physician Assistants

PROPOSED RULE

20 CSR 2150-7.200 Physician Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees autho-

ized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

(A) Physician Assistant	
1. Licensure Fee	\$25
2. Renewal Fee	\$25
3. Temporary Licensure Fee	\$25
4. Temporary Licensure Renewal Fee	\$25
5. Certificate of Controlled Substance Prescriptive Authority Fee	\$25
(B) General Fees	
1. Duplicate License Fee	\$ 0
2. Late Renewal Fee (Delinquent Fee)	\$25
3. Return Check Fee	\$25
4. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 334.125 and 334.735, RSMo Supp. 2014, and sections 334.736, 334.738, and 334.743, RSMo 2000. This rule originally filed as 4 CSR 150-7.200. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately forty-seven thousand six hundred seventy-five dollars (\$47,675) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately forty-seven thousand six hundred seventy-five dollars (\$47,675) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 7 - Licensing of Physician Assistants
Proposed Rule - 20 CSR 2150-7.200 Physician Assistant Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts	\$47,675	
	Total Loss of Revenue Annually for the Life of the Rule	\$47,675

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 7 - Licensing of Physician Assistants
Proposed Rule - 20 CSR 2150-7.200 Physician Assistant Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure Application Fee	\$ 195.00	\$ 25.00	135	\$ 22,950.00
Renewal Fee	\$ 50.00	\$ 25.00	935	\$ 23,375.00
Reinstatement Fee	\$ 75.00	\$ 25.00	4	\$ 200.00
Temporary Licensure Fee	\$ 50.00	\$ 25.00	3	\$ 75.00
Certificate of Controlled Substance Prescriptive Authority Fee	\$ 50.00	\$ 25.00	43	\$ 1,075.00
		Estimated annual Savings for the Life of the Rule		\$47,675

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew annually.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 8—Licensing of Clinical Perfusionists**

PROPOSED RESCISSION

20 CSR 2150-8.060 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 324, RSMo. Under the provisions of Chapter 324, RSMo, the board was directed to set by rule the amount of fees, which Chapter 324, RSMo, authorized not to exceed the cost and expense of administering Chapter 324, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

AUTHORITY: section 324.159, RSMo 2000. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 8—Licensing of Clinical Perfusionists**

PROPOSED RULE

20 CSR 2150-8.060 Clinical Perfusionists Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue pro-

duced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

(A) Perfusionist

1. Licensure by Examination Fee	\$25
2. Licensure by Grandfather Clause Fee	\$25
3. Licensure by Reciprocity Fee	\$25
4. Provisional License Fee	\$25
5. Provisional License Renewal	\$25
6. Renewal Fee	\$25

(B) General Fees

1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Late Renewal Fee (Delinquent Fee)	\$25
4. Return Check Fee	\$25
5. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 324.159, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-8.060. Original rule filed Dec. 2, 1998, effective June 30, 1999. Amended: Filed April 13, 2001, effective Oct. 30, 2001. Amended: Filed April 30, 2002, effective Nov. 30, 2002. Moved to 20 CSR 2150-8.060, effective Aug. 28, 2006. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately twenty-one thousand five hundred fifty dollars (\$21,550) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately twenty-one thousand five hundred fifty dollars (\$21,550) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 8 - Licensing of Clinical Perfusionists
Proposed Rule - 20 CSR 2150-8.060 Clinical Perfusionists Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$21,550
	Total Loss of Revenue Annually for the Life of the Rule	\$21,550

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing Arts licensees.
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional
Division 2150 - State Board of Registration for the Healing Arts
Chapter 8 - Licensing of Clinical Perfusionists
Proposed Rule - 20 CSR 2150-8.060 Clinical Perfusionists Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure Application Fee	\$ 300.00	\$ 25.00	2	\$ 550.00
Licensure by Examination	\$ 300.00	\$ 25.00	24	\$ 6,600.00
Provisional License Fee	\$ 50.00	\$ 25.00	8	\$ 200.00
Renewal Fee	\$ 125.00	\$ 25.00	142	\$ 14,200.00
			Estimated Annual Savings for the Life of the Rule	\$21,550

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew annually.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

PROPOSED RESCISSION

20 CSR 2150-9.080 Fees. This rule established the various fees which the State Board of Registration for the Healing Arts was authorized to collect in administering Chapter 334, RSMo. Under the provisions of Chapter 334, RSMo, the board was directed to set by rule the amount of fees which Chapter 334, RSMo, authorized, not to exceed the cost and expense of administering Chapter 334, RSMo.

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo. Based on the board's five- (5-) year projections, the board finds it necessary to reduce fees. The rescission and readoption of this rule also includes revising the structure of the rules to provide a more clear and concise schedule of fees.

AUTHORITY: section 334.125, RSMo 2000, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 9—Licensing of Anesthesiologist Assistants

PROPOSED RULE

20 CSR 2150-9.080 Anesthesiologist Assistant Licensure Fees

PURPOSE: The State Board of Registration for the Healing Arts is statutorily obligated to enforce and administer the provisions of sections 334.002–334.749, RSMo. Pursuant to section 334.090, RSMo, the board shall by rule and regulation set the amount of fees authorized by sections 334.002–334.749, RSMo, so that the revenue pro-

duced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of sections 334.002–334.749, RSMo.

(1) The following fees are established by the State Board of Registration for the Healing Arts and are payable in the form of a personal check, cashier's check, or money order:

(A) Anesthesiologist Assistant

1. Licensure by Examination Fee	\$25
2. Licensure by Reciprocity Fee	\$25
3. Reinstatement Fee	\$25
4. Temporary License Fee	\$25
5. Renewal Fee	\$25

(B) General Fees

1. Continuing Education Extension Fee	\$25
2. Duplicate License Fee	\$ 0
3. Late Renewal Fee (Delinquent Fee)	\$25
4. Return Check Fee	\$25
5. Verification of Licensure Fee	\$ 0

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 334.125, RSMo Supp. 2014, and section 334.414, RSMo Supp. 2013. This rule originally filed as 4 CSR 150-9.080. Original rule filed Jan. 17, 2006, effective Aug. 30, 2006. Moved to 20 CSR 2150-9.080, effective Aug. 28, 2006. Amended: Filed July 1, 2014, effective Oct. 30, 2014. Emergency rescission and rule filed Sept. 1, 2016, effective Sept. 11, 2016, expires March 9, 2017. Rescinded and readopted: Filed Sept. 1, 2016.

PUBLIC COST: This proposed rule will decrease revenue for state agencies or political subdivisions approximately twelve thousand three hundred seventy-five dollars (\$12,375) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed rule will save private entities approximately twelve thousand three hundred seventy-five dollars (\$12,375) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts, PO Box 4, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 9 - Licensing of Anesthesiologist Assistants
Proposed Rule - 20 CSR 2150-9.080 Anesthesiologist Assistant Licensure Fees

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Loss of Revenue	
State Board of Registration for the Healing Arts		\$12,375
	Total Loss of Revenue Annually for the Life of the Rule	\$12,375

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTIONS

1. The total loss of revenue is based on the cost savings to private entities reflected in the Private Fiscal Note filed with this rule.
2. The board utilizes a rolling five-year financial analysis process to evaluate its fund balance, establish fee structure, and assess budgetary needs. The five-year analysis is based on the projected revenue, expenses, and number of licensees. Based on the board's recent five-year analysis, the board voted on a reduction in individual annual renewal fees for Board of Registration of Healing
3. The above figures are based on FY 2015 actuals.

PRIVATE FISCAL NOTE

I. RULE NUMBER

**Title 20 -Department of Insurance, Financial Institutions and Professional Registration
Division 2150 - State Board of Registration for the Healing Arts
Chapter 9 - Licensing of Anesthesiologist Assistants
Proposed Rule - 20 CSR 2150-9.080 Anesthesiologist Assistant Licensure Fees**

II. SUMMARY OF FISCAL IMPACT

Classification by types of the business entities which would likely be affected:	Current Fee	Proposed Fee	Estimate of the Number of Affected Entities	Estimated Cost Savings
Licensure by Examination Fee	\$ 300.00	\$ 25.00	27	\$ 7,425.00
Renewal of Certificate of Registration Fee	\$ 200.00	\$ 50.00	33	\$ 4,950.00
			Estimated Annual Savings for the Life of the Rule	\$12,375

III. WORKSHEET

See Table Above

IV. ASSUMPTIONS

1. The above figures are based on FY 2015 actuals.
2. Individual Board of Healing Arts licensees renew annually. This fiscal note shows the number expected to renew annually.
3. It is anticipated that the total fiscal savings will occur beginning in FY2017, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED RULE

20 CSR 2220-2.095 Collection of Non-Controlled Medication for Destruction

PURPOSE: The purpose of this rule is to authorize pharmacies to collect medication for purposes of destruction and to establish requirements for medication collection programs.

(1) The provisions of this rule shall apply to the collection of non-controlled medication from the public for destruction. Participation in a medication return or destruction program is voluntary. This rule shall not be construed to require that a licensee or permit holder participate in or establish a return/destruction program. Pharmacies collecting controlled substances must comply with all applicable state and federal controlled substance laws.

(2) Definitions. The following definitions shall apply for purposes of this rule:

(A) "Mail"—Mail shall include mailing via the United States Postal Service or shipping via a common carrier; and

(B) "Nonretrievable"—For the purposes of destruction, a condition or state to which medication is rendered after undergoing a process that permanently alters the medication's physical condition or state through irreversible means and thereby renders the medication unavailable and unusable for all practical purposes.

(3) Pharmacies may maintain a collection receptacle or establish an authorized mail-back program to collect non-controlled medication from the general public for destruction. Collection receptacles may not be used to dispose of unused/unwanted medication in the pharmacy's inventory (e.g., outdated drugs, medical waste). Collected medication shall not be resold or reused.

(A) Pharmacies collecting medication under this rule shall develop and implement written policies and procedures governing medication collection which must include, but not be limited to, authorized destruction procedures and methods.

(B) This rule does not preempt or modify return/reuse of medication as authorized by 20 CSR 2220-3.040, the provisions of Chapter 196, RSMo, governing the Prescription Drug Repository Program, or any provision of state or federal law governing controlled substances or the destruction, handling, or transporting of medical or pharmaceutical waste.

(4) Collection Receptacles. Pharmacies that maintain a collection receptacle to collect non-controlled medication for destruction must comply with the following:

(A) Collection receptacles must be securely placed and maintained inside the physical building of the pharmacy in a manner that prevents theft, diversion, or unauthorized removal. Receptacles must be securely fastened to a permanent structure. The receptacle must be visible to pharmacy staff at all times and shall not be located in or near exit doors;

(B) The receptacle must be a securely locked, substantially constructed container with a permanent outer container, and must contain an inner liner that complies with this rule. The receptacle must have an opening that allows medication to be added to the inner liner but does not allow the contents of the inner liner to be removed. The opening must be locked or otherwise made inaccessible to the public so that drugs cannot be deposited into the collection receptacle when the pharmacy is closed for business;

(C) A sign must be prominently displayed on the outer container of the receptacle indicating that only non-controlled substances may

be deposited into the receptacle. If the receptacle is also used to collect controlled substances, the required sign must comply with state and federal controlled substance laws;

(D) Inner liners must be removable, waterproof, tamper-evident, and tear resistant and must bear a permanent, unique identification number or identifier that enables the inner liner to be tracked. The contents of the inner liner shall not be viewable from the outside;

(E) Inner liners must be installed or removed from a collection receptacle by or under the supervision of at least two (2) board licensees or registrants. Inner liners must be immediately sealed once removed from the receptacle; the sealed inner liner shall not be opened, x-rayed, analyzed, or otherwise penetrated by the pharmacy or pharmacy staff. After removal, sealed inner liners pending destruction may be stored at the pharmacy in a securely locked, substantially constructed cabinet or in a securely locked room or area with controlled access for no more than thirty (30) business days; and

(F) Pharmacies must report any theft or diversion of or from a collection receptacle to the board in writing within fourteen (14) days in a manner designated by the board.

(5) Mail-Back Programs. Pharmacies may provide mail-back packages to the public for the purpose of mailing medication to a collector that is authorized by the Drug Enforcement Administration or federal law to receive prescription medication for destruction ("an authorized collector"). Packages may be provided directly by the pharmacy or the pharmacy's authorized designee, provided the pharmacy is responsible for ensuring compliance with this section.

(A) Mail-back packages must be preaddressed with the address of the authorized collector. The cost of shipping the package shall be postage or otherwise prepaid. Licensees/permit holders shall not accept any returned mail-back packages. Packages must be mailed directly to the authorized collector by the consumer or his/her agent.

(B) Mail-back packages must be nondescript and shall not include any markings or other information that might indicate that the package contains medication. Packages must be water-proof, spill-proof, tamper-evident, tear-resistant, and sealable.

(C) Mail-back packages must be provided with instructions for mailing, notice that packages may only be mailed from within the fifty (50) United States or US territories, and notice that only packages provided by or on behalf of the pharmacy may be used to mail medication.

(D) Senders shall not be required to provide any personally identifiable information when mailing back medication.

(E) Mail-back packages must include a unique identification number or other unique identifier that enables the package to be tracked.

(6) Long-Term Care Facilities. Pharmacies may provide and maintain a collection receptacle at a long-term care facility to collect medication from the public or facility residents for destruction. This section does not apply to medication collected for return and reuse as authorized by 20 CSR 2220-3.040.

(A) Collection receptacles must be securely placed and maintained inside the physical building of the long-term care facility in a manner that prevents theft, diversion, or unauthorized removal. Receptacles must be securely fastened to a permanent structure and must be visible to the facility's staff at all times. In lieu of fastening to a permanent structure, receptacles that are not accessible to the public or residents may be stored in a securely locked room or area with controlled access that is restricted to facility staff/personnel until transfer to the pharmacy. Collection receptacles shall not be located in or near exit doors.

(B) Collection receptacles must be a securely locked, substantially constructed container with a permanent outer container, and must contain an inner liner that complies with subsections (4)(D) and (E) of this rule. The receptacle must have an opening that allows medication to be added to the inner liner but does not allow the contents of the inner liner to be removed. The opening must be locked or otherwise made inaccessible to the public so that drugs cannot be deposited into the collection receptacle when the facility is closed for business.

(C) If the receptacle is accessible to the public or residents, a sign must be prominently displayed on the outer container of the receptacle indicating that only non-controlled substances may be deposited into the receptacle. The required sign must comply with state and federal controlled substance laws if the receptacle is also used to collect controlled substances.

(D) The pharmacy shall be responsible for installing, managing, and maintaining the receptacle and for the removal, sealing, transfer, and storage of inner liners and receptacle contents.

(E) Inner liners may only be installed, removed, and transferred either: 1) by or under the supervision of two (2) board licensees or registrants acting on behalf of the pharmacy; or 2) by or under the supervision of a board licensee/registrant and an employee/staff member of the long-term care facility designated by the pharmacy (e.g., a supervisory charge nurse).

(F) After removal, sealed inner liners may be stored at the facility in a securely locked, substantially constructed cabinet or in a securely locked room or area with controlled access for no more than three (3) business days.

(7) Destruction Methods. Medication collected for destruction shall be rendered nonretrievable and destroyed in compliance with all applicable federal and state laws. Medication shall be destroyed in one (1) of the following ways:

(A) On-site Destruction: Medication may be destroyed on the physical premises of the pharmacy, provided two (2) board licensees or registrants must personally witness the destruction of the medication and handle or observe the handling of the medication until the substance is rendered non-retrievable; or

(B) Transfer to an Authorized Entity: Collected medication may be mailed, shipped, or transferred to an entity authorized to destroy the medication offsite, provided two (2) board licensees or registrants must witness or observe the mailing, shipping, or transfer. If medication is transported by the pharmacy to the offsite location, the medication must be constantly moving towards its final location. Unnecessary and unrelated stops and stops of an extended duration shall not occur.

(8) Records. Except as otherwise provided herein, pharmacies shall maintain a complete and accurate record of the following for two (2) years:

(A) Inventories. Pharmacies shall conduct an inventory every twelve (12) months of inner-liners that are present at the pharmacy or at a long-term care facility that are unused or awaiting destruction. The inventory shall be documented in writing and must include:

1. The date of the inventory;
2. The number of inner liners present on the date of the inventory and the size of any inner liners (e.g., five (5) ten- (10-) gallon liners, etc.);
3. The unique identification number/identifier of each inner liner, whether unused or awaiting destruction;

(B) Inner Liners. The pharmacy must maintain the following written records for inner liners:

1. The unique identification number/identifier and the size of each unused inner liner (e.g., five- (5-) gallon, ten- (10-) gallon, etc.);
2. The date each inner liner is installed, the address of the location where each liner is installed, the unique identification number/identifier and size of each installed inner liner, and the names and signatures of the two (2) required witnesses for each installation; and
3. The date each inner liner is removed and sealed, the unique identification number/identifier of each removed inner liner, and the names and signatures of the two (2) required witnesses for each removal; and

(C) Destruction. The pharmacy must maintain the following written records:

1. For medication destroyed on-site of the pharmacy, the date

and method of destruction, the unique identification number/identifier of each inner liner destroyed, and the names and signatures of the two (2) required witnesses of the destruction.

2. For medication destroyed off-site, the date each inner liner was transferred for destruction, the name and address of each entity to whom each sealed inner liner was transferred for destruction, the unique identification number/identifier of each inner liner transferred for destruction, and the name of the two (2) required witnesses for medication transfer or transport.

(9) Law Enforcement Return Programs. Licensees/permitholders shall be exempt from compliance with this rule when participating in medication collection programs conducted by local, state, or federal law enforcement agencies provided—

(A) Collected medication is placed into a collection container or area that is under the supervision of law enforcement personnel at all times;

(B) Law enforcement personnel are present whenever drugs are collected or on-site; and

(C) The licensee/permitholder does not take possession of the collected medications. Collected medications must remain under the control of, and must be removed by, law enforcement.

AUTHORITY: sections 338.140, 338.240, and 338.315, RSMo Supp. 2013, and section 338.280, RSMo 2000. Original rule filed Aug. 30, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities voluntarily electing to establish a medication return program an estimated three hundred six thousand four hundred dollars (\$306,400) during the first year of implementation and thirty-five thousand four hundred seventy-three dollars and forty-six cents (\$35,473.46) annually over the life of the rule as the result of the proposed rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this rule in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Title 20: Department of Insurance, Financial Institutions and Professional Registration

Division 2220 - State Board of Pharmacy

Chapter 2 - Pharmaceutical Care Standards

Proposed Rule - 20 CSR 2220-2.095 Collection of Non-Controlled Medication for Destruction

II. SUMMARY OF FISCAL IMPACT

<i>Estimate of the number of entities by class which would likely be affected by the adoption of the rule:</i>	<i>Classification by types of the business entities which would likely be affected:</i>	<i>Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:</i>
383	Pharmacies opting to establish a drug return program	\$ 306,400 <i>Y1 Implementation</i>
383	Pharmacies opting to establish a drug return program	\$ 35,473.46 <i>Y1 Implementation & Recurring annually for the life of the rule</i>

III. WORKSHEET

YEAR 1 IMPLEMENTATION COSTS

<i>Estimated number of Pharmacies</i>	<i>Description of Costs</i>	<i>Calculation of Estimates</i>	<i>Estimated costs for compliance with the rule by affected entities:</i>
383	Collection Receptacle	(383 pharmacies x \$800 per receptacle- one time cost)	\$ 306,400

ADDITIONAL YEAR 1 COSTS AND RECURRING ANNUAL COSTS

<i>Estimated number of Pharmacies</i>	<i>Description of Costs</i>	<i>Calculation of Estimates</i>	<i>Estimated costs for compliance with the rule by affected entities:</i>
383	Required Inventory, Record-Keeping, Administrative Tasks	(383 pharmacies x \$14.62 pharmacy technician hourly wage x 1 hour per year)	\$ 5,599.46
383	Inner Liners	(383 pharmacies x \$1.50 per liner x 52 liners per year)	\$ 29,874
TOTAL ANNUAL RECURRING COSTS			\$ 35,473.46

IV. ASSUMPTIONS

1. The U.S. Drug Enforcement Administration (DEA) authorized drug return programs in 2014. At this time, data on participants and participation costs is not readily available. The Board made a good faith attempt to estimate costs to ensure compliance with Chapter 536, RSMo.
2. The proposed drug return program is voluntary and not mandatory. Pharmacies are not required to participate. Additionally, complimentary mail back receptacles and materials are currently available. The rule does not prohibit pharmacies from assessing consumer costs/fees; potential costs may be offset by any costs/fees imposed.
3. After consultation with other states and review of other state materials, the Board estimates approximately 25% of Missouri pharmacies (or 383 pharmacies) will establish a drug return program. Costs for collection receptacles were estimated at \$800 per receptacle based on currently available sales information. Costs for inner liners were estimated at \$1.50 per liner with an estimated 52 liners required per year (an estimated weekly removal). The Board estimates these numbers will remain consistent over the life of the rule. Licensing data was based on all Missouri licensed pharmacies at the end of FY 15.
4. The Board estimates approximately 1-hour per year will be required to conduct the inventory, record-keeping, and administrative tasks in the proposed rule which may be performed by a pharmacy technician. Accordingly, an estimated pharmacy technician hourly salary of \$14.62 was used to estimate costs based on the United States Bureau of Labor Statistics Occupational Employment and Wages data for December 2015.
5. The Board estimates medication may be disposed by the average pharmacy in-house without any related costs.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RESCISSION

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Tobacco-Free Incentive Provisions and Limitations.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. Rescinded: Filed Aug. 26, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RULE

22 CSR 10-2.094 Tobacco-Free Incentive Provisions and Limitations

PURPOSE: The rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Tobacco-Free Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

(1) Strive for Wellness® Tobacco-Free Incentive—The Tobacco-Free Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.

(2) Tobacco-Free Incentive—The Strive for Wellness® Tobacco-Free Incentive is a reduction in premium of forty dollars (\$40) per month per eligible participant who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Tobacco-Free Incentive:

- (A) Active employee subscribers;
- (B) Non-Medicare spouses covered by a Tobacco-Free Incentive eligible subscriber and Medicare primary spouses of active employee subscribers; and

(C) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Tobacco-Free Incentive:

- (A) Members under the age of eighteen (18) years;
- (B) Dependent children;
- (C) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage;
- (D) Spouse (with the exception of spouse of active employee subscriber) who has Medicare as primary coverage;
- (E) TRICARE Supplement Plan subscriber;
- (F) Spouse covered by ineligible subscriber; and
- (G) The subscriber and/or spouse will become ineligible to continue to participate the first day of the month in which Medicare becomes his/her primary payer.

(5) 2016 Participation.

- (A) Each eligible member must participate separately.
- (B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and the applicable requirements are completed:

1. Submit a 2016 Tobacco-Free Promise form; or

2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course. Quit tobacco programs completed prior to December 1, 2015 shall not qualify for the 2016 incentive.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2016 Tobacco-Free Promise form; or

2. Submit a 2016 Quit Tobacco Promise form, enroll in an MCHCP-approved quit tobacco program or course, and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in an MCHCP-approved quit tobacco program on the date MCHCP receives your Quit Tobacco Promise form, must complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course for the incentive to begin the first day of the second month following the completed coaching call or class.

(F) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired if one (1) of the following is completed:

1. Eligible members with a Tobacco-Free Promise form submitted in the same plan year have no further requirements;

2. Eligible members with a Quit Tobacco Promise form submitted in the same plan year, but who did not complete an MCHCP-approved quit tobacco program prior to the date the medical coverage terminated, must re-enroll in a quit tobacco program and complete one (1) one-on-one call with the quit tobacco program coach or attend one (1) class of a Strive for Wellness® quit tobacco course within thirty-one (31) days of his/her medical coverage effective date after the subscriber is rehired.

(G) MCHCP-approved quit tobacco programs include:

1. Quit tobacco coaching program provided by MCHCP's vendor; or
2. Strive for Wellness® quit tobacco course (when available, for active employee subscribers only).

(H) An eligible member will lose the Tobacco-Free Incentive for the remainder of the plan year effective the first day of the second month after MCHCP learns the eligible member failed to remain tobacco-free or failed to complete an MCHCP-approved quit tobacco program or course. Failure to complete an MCHCP-approved quit tobacco program or course means the eligible member failed to—

1. Complete six (6) progressive quit tobacco program coaching calls; or
2. Attend six (6) Strive for Wellness® quit tobacco course classes during the scheduled course timeframe.

(I) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day.

(J) The 2016 Tobacco Free Incentive shall begin January 1, 2016 and end December 31, 2016.

(K) MCHCP will verify an eligible member's quit tobacco program or course participation.

(L) Eligible members who first complete a Quit Tobacco Promise form, November 1, 2016 through December 31, 2016, do not have to enroll in an MCHCP-approved quit tobacco program or course. The date in which they complete their Quit Tobacco Promise form will be used as completing all requirements to receive the incentive in accordance with the applicable timeline.

(6) 2017 Participation.

(A) Each eligible member must participate separately.

(B) In order to receive the Tobacco-Free Incentive, eligible members must complete one (1) of the following for the incentive to be effective the first day of the second month after MCHCP receives the Tobacco Promise form and applicable requirements are completed:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete one (1) of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. Submit a 2017 Tobacco-Free Promise form; or
2. Submit a 2017 Quit Tobacco Promise form and agree to receive the Quit Tobacco Road Map.

(D) All forms can be completed through the eligible member's myMCHCP account or downloaded from MCHCP's website and printed for completion. Completed printed forms must be submitted to MCHCP by fax, mail, in person, or uploaded to the eligible member's myMCHCP account.

(E) Eligible members participating in the Tobacco-Free Incentive whose coverage ends due to the subscriber's termination of all employment with the state and who then regains coverage effective in the same plan year because the subscriber is rehired as a new state employee, will receive the Tobacco-Free Incentive effective the first day his/her medical coverage is effective after the subscriber is rehired.

(F) Eligible members who completed the Tobacco-Free Promise form and who, thereafter, use a tobacco product, must notify MCHCP by phone, fax, or mail the next business day and MCHCP will mail the Quit Tobacco Road Map.

(G) The 2017 Tobacco Free Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted if an eligible member requests a waiver in writing along with a provider's written certification that it is medically inadvisable for the eligible member to quit tobacco.

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Tobacco-Free Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with the MCHCP privacy policy.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Nov. 1, 2011, effective Nov. 25, 2011, expired May 22, 2012. Original rule filed Nov. 1, 2011, effective April 30, 2012. For intervening history, please consult the Code of State Regulations. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. Rescinded and readopted: Filed Aug. 26, 2016.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 22—MISSOURI CONSOLIDATED HEALTH CARE PLAN Division 10—Health Care Plan Chapter 2—State Membership

PROPOSED RESCISSION

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: This rule is being rescinded and readopted to include detailed language to clarify Strive for Wellness® Partnership Incentive Provisions and Limitations.

AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the Code of State Regulations. Emergency rescission filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. Rescinded: Filed Aug. 26, 2016.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 22—MISSOURI CONSOLIDATED
HEALTH CARE PLAN
Division 10—Health Care Plan
Chapter 2—State Membership**

PROPOSED RULE

22 CSR 10-2.120 Partnership Incentive Provisions and Limitations

PURPOSE: This rule establishes the policy of the board of trustees in regards to the Strive for Wellness® Partnership Incentive and the method and timeframes in which the requirements of the incentive must be completed and submitted.

(1) Strive for Wellness® Partnership Incentive—The Partnership Incentive is a voluntary program that eligible members may elect to participate in to earn a reduction in premium. Eligible members are responsible for completing requirements.

(2) Partnership Incentive—The Strive for Wellness® Partnership Incentive is a reduction in premium of twenty-five dollars (\$25) per month per eligible member who is compliant with this rule.

(3) Eligibility—The following members enrolled in a Missouri Consolidated Health Care Plan (MCHCP), Preferred Provider Organization (PPO), or Health Savings Account (HSA) Plan are eligible to participate in the Partnership Incentive:

- (A) Active employee subscribers; and
- (B) Non-Medicare subscribers.

(4) Limitations and exclusions—The following members are not eligible to participate in the Partnership Incentive:

- (A) Subscribers under the age of eighteen (18) years;
- (B) Dependents;
- (C) TRICARE Supplement Plan subscribers;
- (D) Subscriber (with the exception of active employee subscriber) who has Medicare as primary coverage; and

(E) When Medicare becomes a subscriber's primary insurance payer, the subscriber (with the exception of active employee subscriber) is no longer eligible to participate and will lose the partnership incentive the first day of the month in which Medicare becomes primary.

(5) 2016 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2015 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

- 1. The Partnership Promise; and
- 2. The Health Assessment.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31,

2016 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;
3. Attending two (2) online health education webinars provided by Strive for Wellness®;
4. Attending two (2) lunch-and-learn health education sessions provided by Strive for Wellness®;
5. Participating in a virtual health coaching program through the website of the MCHCP wellness vendor and achieving at least one (1) milestone;
6. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;
7. Standing for at least two (2) hours during each workday for three (3) months;
8. Complete the Governor's 100 Missouri Miles Challenge; or
9. Walking one (1) million steps.

(F) The 2016 Partnership Incentive shall begin January 1, 2016 and end December 31, 2016.

(G) Eligible members who first complete the 2016 Partnership Incentive requirements, October 1, 2016 through December 31, 2016, do not have to complete two (2) Health Assessments. The date in which they complete their Health Assessment will be used as meeting the requirement to complete a Health Assessment to receive the incentive for both 2016 and 2017 in accordance with the applicable timeline.

(6) 2017 Participation.

(A) In order to receive the Partnership Incentive, eligible members must complete all of the following for the incentive to be effective the first day of the second month after the requirements are completed:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz. A series of questions administered by MCHCP designed to measure understanding of MCHCP benefits and/or general health knowledge.

(B) The requirements must be completed through the member's myMCHCP account.

(C) Eligible members adding medical coverage with an effective date on or after December 1, 2016 must complete all of the following within thirty-one (31) days of his/her medical coverage effective date (unless otherwise specified) for the incentive to be effective the first day his/her medical coverage is effective:

1. The Partnership Promise;
2. The Health Assessment; and
3. The Health Education Quiz.

(D) An employee earning the Partnership Incentive who then terminates all employment with the state and is rehired as a new state employee with medical coverage effective in the same plan year, will receive the Partnership Incentive effective the first day his/her medical coverage is effective after s/he is rehired.

(E) Eligible members who have earned the incentive may earn a *de minimis* gift for completing one (1) or more of the following MCHCP-approved health actions. An eligible member must report the completion of the health action to MCHCP by December 31, 2017 and may receive only one (1) gift per year. MCHCP-approved health actions are as follows:

1. Receiving a preventive lab screening such as cholesterol and blood sugar;
2. Receiving an annual preventive exam;
3. Attending three (3) Strive for Wellness® sponsored health education or physical activity events;
4. Participating in physical activity such as walking, jogging, Zumba, yoga, or weight-training for one hundred fifty (150) minutes each week for three (3) months;

5. Standing for at least two (2) hours during each workday for three (3) months; or

6. Walking one (1) million steps.

(F) The 2017 Partnership Incentive shall begin January 1, 2017 and end December 31, 2017.

(7) A waiver may be granted, in whole or in part, for the applicable plan year if a member requests a waiver of a requirement(s) in writing along with a provider's written certification that it is medically inadvisable for the member to participate in the applicable requirement(s).

(8) MCHCP and/or its vendor may audit participation information for accuracy. Misrepresentation or fraud could lead to loss of the Partnership Incentive and/or prosecution.

(9) MCHCP and/or its vendor may utilize participation data for purposes of offering additional programs in accordance with MCHCP's privacy policy.

*AUTHORITY: section 103.059, RSMo 2000. Emergency rule filed Aug. 28, 2012, effective Oct. 1, 2012, terminated Feb. 27, 2013. Original rule filed Aug. 28, 2012, effective Feb. 28, 2013. For intervening history, please consult the **Code of State Regulations**. Emergency rescission and rule filed Aug. 26, 2016, effective Oct. 1, 2016, expires March 29, 2017. Rescinded and readopted: Filed Aug. 26, 2016.*

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Consolidated Health Care Plan, Judith Muck, PO Box 104355, Jefferson City, MO 65110. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order or rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety-(90-) day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 17—Office of Equal Opportunity**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 34.050, RSMo 2000, and section 37.020, RSMo Supp. 2014, the commissioner amends a rule as follows:

1 CSR 10-17.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2016 (41 MoReg 660-661). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commissioner of Administration received one (1) letter of comment directed generally to the "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri."

COMMENT #1: Meriem L. Hubbard, on behalf of the Pacific Legal Foundation, sent a letter of comment regarding a "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri." The Office of Administration had five (5) rules published in the May 16, 2016 *Missouri Register*. The letter does not specify a proposed amendment by number, but based upon the context, it appears to be directed to all five (5) proposed amendments including 1 CSR 10-17.010. The letter asserts that the

"new amendments are unconstitutional" and "will invite costly litigation challenging the constitutionality of the program: litigation the state will almost certainly lose." The letter "urge[s] that the state not adopt these amendments."

RESPONSE: The Office of Administration has reviewed the constitutionality of the M/WBE program as well as the proposed amendment to 1 CSR 10-17.010 and believes it to be constitutional as well as in the best interest of the state. The proposed amendment will not be changed in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 17—Office of Equal Opportunity**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 37.023, RSMo 2000, the commissioner amends a rule as follows:

**1 CSR 10-17.040 Minority/Women's Business Enterprise
Certification is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2016 (41 MoReg 661-666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commissioner of Administration received two (2) letters of comment, one (1) of which was directed generally to the "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri."

COMMENT #1: Meriem L. Hubbard, on behalf of the Pacific Legal Foundation, sent a letter of comment regarding a "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri." The Office of Administration had five (5) rules published in the May 16, 2016 *Missouri Register*. The letter does not specify a proposed amendment by number, but based upon the context, it appears to be directed to all five (5) proposed amendments including 1 CSR 10-17.040. The letter asserts that the "new amendments are unconstitutional" and "will invite costly litigation challenging the constitutionality of the program: litigation the state will almost certainly lose." The letter "urge[s] that the state not adopt these amendments."

RESPONSE: The Office of Administration has reviewed the constitutionality of the M/WBE program as well as the proposed amendment to 1 CSR 10-17.040 and believes it to be constitutional as well as in the best interest of the state. The proposed amendment will not be changed in response to this comment.

COMMENT #2: Debbie Rickard, General Services Director, and Rebecca Jackson, General Services Manager-Procurement, on behalf of the Missouri Department of Transportation, sent a letter of comment offering two (2) comments with regard to a subsection and a section of the proposed amendment.

1. Subsection (2)(C) indicates OEO will not make an on-site visit to businesses located outside of Missouri, but will instead rely on the home state or another certifying entity to perform the on-site visit; this assumes that out-of-state businesses are in a state that has such a program and that on-site visits are a criterion. This comment also notes that the previous section (5) addressing out-of-state certification has been deleted.

2. Section (5) indicates that the on-site review report must be received by OEO, and the comment asks whether this impacts the purpose of Rapid Response Certifications. The comment also notes that while the proposed amendment mentions OEO accepting other qualified certifications, there is no commitment to which other certifying firms will be accepted.

RESPONSE:

1. The Office of Administration believes this comment is based on a misreading of the proposed amendment. Out-of-state applicants are no longer addressed as a separate application but such firms whose principal place of business is outside Missouri may apply through the Rapid Response or Initial/Standard Certification processes. OEO may schedule an on-site visit for firms whose principal place of business is located in Missouri. For firms whose principal place of business is outside Missouri, OEO will contact the firm's home state or certifying entity for a copy of its on-site visit. We note that this approach is similar to that of the Disadvantaged Business Enterprise program governing MoDOT's federal-aid contracts for out-of-state firms seeking Missouri Unified Certification Program certification. However, the proposed amendment does require an on-site visit as a criterion for certification in Initial/Standard Certifications regardless of location. The proposed amendment will not be changed in response to this portion of the comment letter.

2. The Office of Administration believes the requirement for an on-site review report to be received by OEO in Rapid Response Certifications is consistent with the purpose of Rapid Response Certifications which are based on a memorandum of understanding with a certifying entity and require less documentation than an Initial/Standard application. The extent to which OEO accepts other certifying firms is not addressed in the proposed amendment or current rule as this is an issue outside the purview of the regulation. The proposed amendment will not be changed in response to this portion of the comment letter.

**Title 1—OFFICE OF ADMINISTRATION
Division 10—Commissioner of Administration
Chapter 17—Office of Equal Opportunity**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 34.050, RSMo 2000, and section 37.020, RSMo Supp. 2014, the commissioner amends a rule as follows:

1 CSR 10-17.050 Minority and Women's Business Enterprise Participation in Procurement Process is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2016 (41 MoReg 666). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commissioner of Administration received one (1) letter of comment directed generally to the "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri."

COMMENT #1: Meriem L. Hubbard, on behalf of the Pacific Legal Foundation, sent a letter of comment regarding a "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri." The Office of Administration had five (5) rules published in the May 16, 2016 *Missouri Register*. The letter does not specify a proposed amendment by number, but based upon the context, it appears to be directed to all five (5) proposed amendments including 1 CSR 10-17.050. The letter asserts that the

"new amendments are unconstitutional" and "will invite costly litigation challenging the constitutionality of the program: litigation the state will almost certainly lose." The letter "urge[s] that the state not adopt these amendments."

RESPONSE: The Office of Administration has reviewed the constitutionality of the M/WBE program as well as the proposed amendment to 1 CSR 10-17.050 and believes it to be constitutional as well as in the best interest of the state. The proposed amendment will not be changed in response to this comment.

**Title 1—OFFICE OF ADMINISTRATION
Division 30—Division of Facilities Management,
Design and Construction
Chapter 5—Minority/Women Business Enterprises**

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 8.320, RSMo Supp. 2014, the commissioner amends a rule as follows:

1 CSR 30-5.010 Minority/Women Business Enterprise and Service Disabled Veteran Business Enterprise Participation in State Construction Contracts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2016 (41 MoReg 667-671). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commissioner of Administration received two (2) letters of comment, one (1) of which was directed generally to the "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri."

COMMENT #1: Meriem L. Hubbard, on behalf of the Pacific Legal Foundation, sent a letter of comment regarding a "number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri." The Office of Administration had five (5) rules published in the May 16, 2016 *Missouri Register*. The letter does not specify a proposed amendment by number, but based upon the context, it appears to be directed to all five (5) proposed amendments including 1 CSR 30-5.010. The letter asserts that the "new amendments are unconstitutional" and "will invite costly litigation challenging the constitutionality of the program: litigation the state will almost certainly lose." The letter "urge[s] that the state not adopt these amendments."

RESPONSE: The Office of Administration has reviewed the constitutionality of the M/WBE program as well as the proposed amendment to 1 CSR 30-5.010 and believes it to be constitutional as well as in the best interest of the state. The proposed amendment will not be changed in response to this comment.

COMMENT #2: Jennifer Battson Warren, Deputy Director, on behalf of the Missouri Department of Conservation, sent a letter of comment suggesting twelve (12) areas of change to the proposed amendment:

1. Add "Missouri public entities" to subsection (4)(A) making the directory available to public entities as well as bidders and contractors;

2. Omit the phrase "certified by OEO" and replace with "certified" M/WBEs to the language in subsection (5)(C) as well as add that FMDC and OEO will make contract goal information available to other Missouri public entities upon request for their use in setting individual contract goals;

3. Add that M/WBEs and SDVEs certified by other municipalities, counties, state, and federal agencies that meet the basic requirements of the OA/OEO certification program may be used and counted toward achieving the goals, provided that the names and certifications of these M/WBEs are referred to OEO for subsequent follow-up and certification by OEO to subsection (5)(E). Replace OEO with the certifying public entity as to whom a vendor must submit its renewal application or other supporting documentation to;

4. Add that it is the contractor's responsibility to notify FMDC if an M/WBE certification has expired according to paragraph (5)(H)1. and revise the wording in paragraph (5)(H)2. to reflect that the contractor "may not count" rather than "cannot count" participation of an M/WBE or SDVE subcontractor goals. Add paragraph (5)(H)3. which states the contractor shall certify the amount indicated paid to the M/WBEs and SDVEs on their monthly progress report is accurate;

5. Replace the language "cancel the contract" with "declare the contractor in breach of the contract" in subsection (5)(I);

6. Replace the word "obtain" with "obtained" in paragraph (5)(I)2.;

7. Replace the words "excessive or unreasonable" with "10% higher" in paragraph (6)(C)5. which discusses when the prime contractors are not required to accept higher quotes from M/WBEs or SDVEs;

8. Move subsection (6)(D) to paragraph (6)(C)5.;

9. Change placement of "listed SDVEs" in subsection (7)(C) and add "or by other municipalities, counties, state, and federal agencies that meet the basic requirements of the OA/OEO certification program, provided that the names and certifications of these MBE/WBEs are referred to OEO for subsequent follow-up and certification by OEO" to the same sentence;

10. Omit language "after consulting with OEO regarding M/WBE waiver requests" from subsection (8)(C);

11. Replace language "will be counted" with "the contractor may count" in subsection (9)(A) with regard to M/WBE and SDVE participation toward the contract goal; and

12. Add language to paragraph (9)(B)3. that changes the timing of OEO and FMDC's evaluation to when a complaint is filed claiming M/WBE or SDVE work is not performing a commercially useful function.

RESPONSE:

1. The stated purpose of the rule regards participation in construction contracts let by FMDC. The provision of directories to "Missouri public entities," which have no role in FMDC construction contracts, would not further the rule's purpose. The Office of Administration notes that the rule does not prohibit OEO or FMDC from voluntarily providing directories to Missouri public entities. The proposed amendment will not be changed in response to this portion of the comment letter.

2. The proposed changes are unrelated to and would not further the rule's stated purpose. The Office of Administration notes that the rule does not prohibit OEO or FMDC from voluntarily providing information to Missouri public entities. The proposed amendment will not be changed in response to this portion of the comment letter.

3. The Office of Administration cannot guarantee that it would have sufficient information to ensure that the certification procedures and requirements of other governmental entities would "meet the basic requirements" of its own certification program. Accordingly, requiring certification by OEO remains appropriate. The proposed amendment will not be changed in response to this portion of the comment letter.

4. The contractor may not be in the best position to know when a firm's M/WBE certification expires. Furthermore, the suggested change fails to specify what category of M/WBE certifications the proposed obligation would apply to. The proposed amendment will not be changed in response to this portion of the comment letter.

5. The Office of Administration considers it to be in the state's best interest to have the option to cancel a contract for noncompli-

ance with M/WBE requirements, independent of the ability to declare and seek remedies for a breach. The proposed amendment will not be changed in response to this portion of the comment letter.

6. The Office of Administration agrees that this was a typographical error and believes this comment was based upon a draft of the Proposed Amendment, not the rule as published in the *Missouri Register*. Paragraph (5)(I)2. was correctly published in the May 16, 2016 *Missouri Register* substituting the word "obtained" as proposed by this comment. The proposed amendment will not be changed in response to this portion of the comment letter.

7. The ability of prime contractors to reject quotes from M/WBEs or SDVEs when their price is excessive or unreasonable is part of a non-exhaustive list of several qualitative factors that may be considered in determining a bidder's good faith. Accordingly, the Office of Administration considers the contextually dependent threshold of "excessive or unreasonable" superior to a rigid numerical threshold. The proposed amendment will not be changed in response to this portion of the comment letter.

8. The ability to require a prime contractor to submit its quotes is independent of any particular factor in the good faith evaluation, and therefore does not properly belong within one (1) of those factors. The proposed amendment will not be changed in response to this portion of the comment letter.

9. The Office of Administration cannot guarantee that it would have sufficient information to ensure that the certification procedures and requirements of other governmental entities would "meet the basic requirements" of its own certification program. Accordingly, requiring certification by OEO remains appropriate. The proposed amendment will not be changed in response to this portion of the comment letter.

10. The Office of Administration considers it essential that OEO be consulted on any request to waive contractual M/WBE requirements to ensure consistency based on that office's expertise. The proposed amendment will not be changed in response to this portion of the comment letter.

11. It is important that both the contractor and FMDC are counting participation using the same rules. The proposed amendment will not be changed in response to this portion of the comment letter.

12. The obligation to ensure that a firm performs a commercially useful function cannot be complaint driven; it is an independent and essential element of the program that is the responsibility of the state as well as the contractor. The proposed amendment will not be changed in response to this portion of the comment letter.

Title 1—OFFICE OF ADMINISTRATION Division 40—Purchasing and Materials Management Chapter 1—Procurement

ORDER OF RULEMAKING

By the authority vested in the Commissioner of Administration under section 34.050, RSMo 2000, and section 34.074, RSMo Supp. 2013, the commissioner amends a rule as follows:

1 CSR 40-1.050 Procedures for Solicitation, Receipt of Bids, and Award and Administration of Contracts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 16, 2016 (41 MoReg 671-678). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Commissioner of Administration received three (3) letters of comment, one (1) of which was directed generally to the "number of amendments to Title I that would expand

race and sex-based considerations in public contracting in Missouri.”

COMMENT #1: Meriem L. Hubbard, on behalf of the Pacific Legal Foundation, sent a letter of comment regarding a “number of amendments to Title I that would expand race and sex-based considerations in public contracting in Missouri.” The Office of Administration had five (5) rules published in the May 16, 2016 *Missouri Register*. The letter does not specify a proposed amendment by number, but based upon the context, it appears to be directed to all five (5) proposed amendments including 1 CSR 40-1.050. The letter asserts that the “new amendments are unconstitutional” and “will invite costly litigation challenging the constitutionality of the program: litigation the state will almost certainly lose.” The letter “urge[s] that the state not adopt these amendments.”

RESPONSE: The Office of Administration has reviewed the constitutionality of the M/WBE program as well as the proposed amendment to 1 CSR 40-1.050 and believes it to be constitutional as well as in the best interest of the state. The proposed amendment will not be changed in response to this comment.

COMMENT #2: Debbie Rickard, General Services Director, and Rebecca Jackson, General Services Manager-Procurement, on behalf of the Missouri Department of Transportation sent a letter of comment suggesting (7) seven areas of change to the proposed amendment:

1. Other potential bidders/offers may not have provided a response due to the specifications which are now being waived for those who did respond but did not conform to the requirements of section (15);

2. The language in subsection (20)(A) does not appear to utilize the disparity and availability study to the fullest extent possible to strengthen the opportunities to advance the M/WBE program. Throughout these rules, there are many references to “may” which provides greater flexibility to not strengthen this sector of businesses in Missouri;

3. The comment states that paragraph (20)(C)1. requires only supplies be considered for M/WBE while in both paragraph (10)(B)1. organizations for the blind and sheltered workshops, and paragraph (11)(G)1. Service Disabled Veteran Business Enterprise include both materials and supplies in determining commercially useful function;

4. The comment states that subsection (20)(H) appears to only include M/WBE contract percentages when the solicitation includes subjective criteria. The comment inquires why it does not apply to bids if it does not include subjective criteria;

5. The comment inquires whether vendors will be willing to provide this level of assistance in subparagraph (20)(I)2.D. with regard to the possible evaluations, and notes this is not required under any other preferences including blind and sheltered workshops and service disabled veteran enterprises;

6. The comment notes that the additional days for termination or substitution of an M/WBE in subsection (20)(L) have the potential to impact contract completion and inquires whether these days will be taken into consideration if liquidated damages are associated with the contract;

7. The comment inquires whether the delegation of authority in section (21) will dictate how other agencies procure items under their authority.

RESPONSE:

1. The Office of Administration believes this language is consistent with the language of section 34.040, RSMo and the Office of Administration’s ability to utilize competitive negotiations under 34.042.3, RSMo. If all bidders/offers are not meeting a requirement, the Office of Administration may waive such requirement by statute or by the competitive process. The proposed amendment will not be changed in response to this portion of the comment letter.

2. The Office of Administration utilizes the term “may” because the circumstances of the individual procurement will dictate whether or not meaningful participation may be obtained. Therefore, due to the need for flexibility because of the breadth of contracts Office of Administration bids out, the term “may” which is permissive is used

rather than “shall” which is mandatory. The proposed amendment will not be changed in response to this portion of the comment letter.

3. Section 34.010.6, RSMo defines the word “supplies” to include “supplies, materials, equipment, contractual services and any and all articles and things except for utility services. . .” Accordingly, there is no need to define the word, “supplies” for this section of the regulation. The proposed amendment will not be changed in response to this portion of the comment letter.

4. Typically, subjective criteria is not used in situations where the commodity or service being purchased is highly defined and cost is the only discerning factor among the vendors. These tend to be commodity contracts, and historically provide little or no meaningful opportunity for subcontracting. If MBE/WBE participation was factored into a cost-only bid where subcontracting opportunities do not exist, then only vendors who are MBE or WBE could earn the points. Non-MBE/WBE vendors could only earn points if they artificially create a place for an MBE or WBE; however, that does not meet the “commercially useful” value criteria. The proposed amendment will not be changed in response to this portion of the comment letter.

5. Subparagraph (20)(I)2.D. is one (1) of a list of factors the director may consider. Vendors, at their risk, will need to provide sufficient information to qualify for a waiver. However, this list is not exhaustive and other factors may be considered. By statute, the use of blind and sheltered workshops, 34.165, RSMo, and SDVEs, 34.074, RSMo is optional, and their use could lead to bonus points. In addition, the language of the proposed amendment in this paragraph is consistent with the federal DBE regulations Good Faith Efforts Appendix. The proposed amendment will not be changed in response to this portion of the comment letter.

6. First, it should be noted that not every contract has a provision for liquidated damages and therefore, what days will be considered for calculating liquidated damages will need to be addressed in the individual contract. The same is true for contract completion. Therefore, the Office of Administration does not believe this paragraph needs revision. The proposed amendment will not be changed in response to this portion of the comment letter.

7. Yes, the delegation in section (21) will contain any restrictions as the procurement of items under the special delegation of authority, which is consistent with current practice. The proposed amendment will not be changed in response to this portion of the comment letter.

COMMENT #3: Jennifer Battson Warren, Deputy Director, on behalf of the Missouri Department of Conservation, sent a letter of comment suggesting ten (10) areas of change to the proposed amendment:

1. Suggest adding a definition to 1 CSR 40-1.030 to include a definition of “Division” which the comment suggests defining as “The Division of Purchasing and Materials Management within the Office of Administration. ‘Division’ to include agencies, universities, or colleges if delegation of authority is permitted by the Division.” The word “division” is used throughout the rule, and the use of the word is noted by the comment;

2. Add “blind or” before the phrase “sheltered workshop” in paragraph (10)(H)2.;

3. Add “whether it be a service or supplying a commodity” to paragraphs (10)(B)1., (11)(G)1. and (20)(C)1. describing when an organization performs a commercially useful function when it is responsible for executing a distinct element of the work of the contract;

4. Add “it is the contractor’s responsibility to notify the division if the SDVE certification has expired” to paragraph (11)(K)1. and “the contractor shall certify that the amount paid to M/WBEs on their report is accurate” to paragraph (11)(K)2.;

5. Add that the state may declare the contractor in breach of the contract to subsections (11)(N) and (20)(N);

6. Revise paragraph (20)(A)1. to include a “State of Missouri public entity or” to OEO that may certify M/WBEs. Add “MBE/WBEs certified by other municipalities, counties, and state and federal agencies that meet the basic requirements of the OA/OEO certification

program may be used and counted toward achieving the goals provided that the names and certifications of these MBE/WBEs are referred to OEO for subsequent follow up and certification by OEO" and "if required by the divisions to meet these goals, OEO shall establish annual targeted percentages by commodity or service, geographical locations, and history of M/WBE and non-M/WBEs by making available to other Missouri public entities upon request for their use in setting individual goals";

7. Revise subsection (20)(B) and paragraph (20)(D)3. so that M/WBE vendors shall be certified by another public or organization certification as well as OEO;

8. Revise subsection (20)(B) to allow a vendor to submit is renewal application to a division or OEO;

9. Add to subparagraph (20)(I)2.G. "and set annually by OEO" to the actual past participation of M/WBEs achieved by the bidder/offeree with contracts established by the division;

10. Add to subsection (20)(J) that it is the contractor's responsibility to notify the division if the M/WBEs certification has expired and the contractor shall certify the amount paid to M/WBEs on their report is accurate.

RESPONSE:

1. The Office of Administration does not have a proposed amendment to 1 CSR 40-1.030. Consequently, this comment is outside of the purview of the comments on the proposed amendment(s). In addition, there are already delegation processes for the state agencies and some universities. Because of this, there is no need to amend the definition of "division" within this proposed amendment at this time. The proposed amendment added section (21) to 1 CSR 40-1.050 which could require agencies to follow the Division of Purchasing regulations for a solicitation. The proposed amendment will not be changed in response to this portion of the comment letter.

2. In the context of paragraph (10)(H)2. coupled with subsection (10)(I) as well as 1 CSR 40-1.050 as a whole, the intent of this specific subsection is easy to discern. Accordingly, the Office of Administration believes further clarification is unnecessary. The proposed amendment will not be changed in response to this portion of the comment letter.

3. When determining whether an M/WBE is performing a commercially useful function, the regulation refers to a distinct element of the work of the contract. This additional proposed language in the comment does not add anything to that determination. As such, the Office of Administration does not believe this additional phrase is needed. The proposed amendment will not be changed in response to this portion of the comment letter.

4. The proposed language could be covered by the contract or by the reporting form or both. Accordingly, this language is unnecessary. The proposed amendment will not be changed in response to this portion of the comment letter.

5. The Office of Administration always has the right to declare a contractor in breach if they have failed to perform a material term. Accordingly, adding this language is unnecessary as the right exists without amendment to the rule. The proposed amendment will not be changed in response to this portion of the comment letter.

6. Reciprocal certifications are addressed in 1 CSR 10-17.040. The Office of Equal Opportunity (OEO) is responsible for the implementation and oversight of the M/WBE program and certification process. Therefore, putting this language in the Division of Purchasing rule is unnecessary as certification is addressed in the OEO rules.

7. The Office of Equal Opportunity (OEO) is responsible for the implementation and oversight of the M/WBE program and certification process. Entities certified by OEO can be used and counted for participation levels in a state contract; entities certified by some other public body must receive certification through OEO pursuant to the process identified in 1 CSR 10-17.040. The proposed amendment will not be changed in response to this portion of the comment letter.

8. The Office of Equal Opportunity (OEO) is responsible for the implementation and oversight of the M/WBE program and certification process. Therefore, sending a renewal application to the Division

of Purchasing, would not permit the division to certify them. Accordingly, all renewal applications should be sent to OEO. The proposed amendment will not be changed in response to this portion of the comment letter.

9. OEO does not set annual participation goals for contracts because the participation for each contract must be set individually. The proposed amendment will not be changed in response to this portion of the comment letter.

10. The proposed language could be covered by the contract or by the reporting form or both. Accordingly, this language is unnecessary. The proposed amendment will not be changed in response to this portion of the comment letter.

Title 3—DEPARTMENT OF CONSERVATION **Division 10—Conservation Commission** **Chapter 12—Wildlife Code: Special Regulations for** **Areas Owned by Other Entities**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.125 is amended.

This rule establishes provisions for hunting and trapping on areas managed by the Department of Conservation and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

3 CSR 10-12.125 Hunting and Trapping

(1) Hunting, under statewide permits, seasons, methods, and limits, is permitted except as further restricted in this chapter and except for deer and turkey hunting as authorized in the annual *Fall Deer & Turkey Hunting Regulations and Information* booklet published in August and annual *Spring Turkey Hunting Regulations and Information* booklet published in March, which are incorporated in this *Code* by reference. A printed copy of these booklets can be obtained from the Missouri Department of Conservation, PO Box 180, Jefferson City, MO 65102-0180 and are also available online at www.missouriconservation.org. This rule does not incorporate any subsequent amendments or additions.

(B) Hunting is prohibited on the following areas:

1. Bethany (Old Bethany City Reservoir);
2. Buchanan County (Gasper Landing);
3. California (Proctor Park Lake);
4. Carthage (Kellogg Lake);
5. Columbia (Antimi Lake, Cosmo-Bethel Lake, Lake of the Woods, Twin Lakes);
6. Dexter City Lake;
7. Farmington (Giessing Lake, Hager Lake, Thomas Lake);
8. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
9. Fulton (Morningside Lake, Truman Lake, Veterans Park Lake);
10. Hamilton City Lake;
11. Harrisonville (North Lake);
12. Jackson (Rotary Lake);
13. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Fleming Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
14. Kirksville (Spur Pond);
15. Lawson City Lake;
16. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
17. Macon County (Fairgrounds Lake);

18. Mexico (Lakeview Lake, Kiwanis Lake);
19. Mineral Area College (Quarry Pond);
20. Moberly (Rothwell Park Lake, Water Works Lake);
21. Mount Vernon (Williams Creek Park Lake);
22. Odessa (Lake Venita);
23. Overland (Wild Acres Park Lake);
24. Potosi (Roger Bilderback Lake);
25. Raymore (Johnston Lake);
26. Rolla (Schuman Park Lake);
27. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
28. St. James (Scioto Lake);
29. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake);
30. Savannah City Lake;
31. Sedalia (Clover Dell Park Lake);
32. Sedalia Water Department (Spring Fork Lake);
33. Springfield City Utilities (Lake Springfield);
34. University of Missouri (Thomas S. Baskett Wildlife Research and Education Center);
35. Warrensburg (Lions Lake);
36. Watershed Committee of the Ozarks (Valley Water Mill Lake);
37. Wentzville (Community Club Lake, Heartland Lake); and
38. Windsor (Farrington Park Lake).

This amendment was filed August 29, 2016, becomes effective **September 15, 2016**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.140 is amended.

This rule establishes daily limits for fish taken from waters of the state and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

3 CSR 10-12.140 Fishing, Daily and Possession Limits

- (2) The daily limit for black bass is two (2) on the following lakes:
(CC) Wentzville (Community Club Lake, Heartland Lake); and
- (5) The daily limit for crappie is fifteen (15) on the following lakes:
(G) St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
(H) Springfield City Utilities (Fellows Lake); and
(I) Wentzville (Community Club Lake, Heartland Lake).
- (8) The daily limit for fish other than those species listed as endangered in 3 CSR 10-4.111 or defined as game fish is twenty (20) in the aggregate, except on the following lakes where the daily limit is ten (10) in the aggregate, and except for those fish included in section (7) of this rule:
(O) Wentzville (Community Club Lake, Heartland Lake).

This amendment was filed August 29, 2016, becomes effective **September 15, 2016**.

**Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 12—Wildlife Code: Special Regulations for
Areas Owned by Other Entities**

ORDER OF RULEMAKING

By authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-12.145 is amended.

This rule establishes length limits for fish taken from waters of the state and is exempted by section 536.021, RSMo, from the requirements for filing as a proposed amendment.

3 CSR 10-12.145 Fishing, Length Limits

- (2) Black bass more than twelve inches (12" but less than fifteen inches (15")) total length must be returned to the water unharmed immediately after being caught, except as follows:
(A) Black bass less than fifteen inches (15") total length must be returned to the water unharmed immediately after being caught on the following lakes:
 1. Arrow Rock State Historic Site (Big Soldier Lake);
 2. Bethany (Old Bethany City Reservoir);
 3. Blue Springs (Lake Remembrance);
 4. Big Oak Tree State Park (Big Oak Lake);
 5. Butler City Lake;
 6. Cameron (Century Lake, Eagle Lake, Grindstone Lake, Sunrise Lake);
 7. Carthage (Kellogg Lake);
 8. Columbia (Stephens Park Lake);
 9. Concordia (Edwin A. Pape Lake);
 10. Confederate Memorial State Historic Site lakes;
 11. Dexter City Lake;
 12. Farmington (Hager Lake, Giessing Lake, Thomas Lake);
 13. Hamilton City Lake;
 14. Harrison County Lake;
 15. Higginsville (Higginsville City Lake, Upper Higginsville City Lake);
 16. Holden City Lake;
 17. Jackson (Litz Park Lake, Rotary Lake);
 18. Jackson County (Alex George Lake, Bergan Lake, Bowlin Pond, Lake Jacomo, Prairie Lee Lake, Scherer Lake, Tarsney Lake, Wood Lake, Wyatt Lake);
 19. Jefferson City (McKay Park Lake);
 20. Keytesville (Maxwell Taylor Park Pond);
 21. Kirksville (Hazel Creek Lake);
 22. Liberty (Fountain Bluff Park Ponds Nos. 1, 2, 3, 4, 5, 6, 7, and 8);
 23. Marble Hill (Pellegrino Lake);
 24. Mark Twain National Forest (Fourche Lake, Huzzah Pond, Loggers Lake, McCormack Lake, Noblett Lake, Roby Lake);
 25. Maysville (Willow Brook Lake)
 26. Mineral Area College (Quarry Pond);
 27. Odessa (Lake Venita);
 28. Pershing State Park ponds;
 29. Potosi (Roger Bilderback Lake);
 30. Raymore (Johnston Lake);
 31. Unionville (Lake Mahoney);
 32. University of Missouri (Dairy Farm Lake No. 1, McCredie Lake);
 33. Warrensburg (Lions Lake);
 34. Watkins Mill State Park (Williams Creek Lake); and
 35. Windsor (Farrington Park Lake).
(B) Black bass less than eighteen inches (18") total length must be returned to the water unharmed immediately after being caught on the following lakes:

1. Ballwin (New Ballwin Park Lake, Vlasik Park Lake)
2. Columbia (Twin Lakes);
3. Fenton (Preslar Lake, Upper Fabick Lake, Westside Park Lake);
4. Ferguson (January-Wabash Lake);
5. Jennings (Koeneman Park Lake);
6. Kirkwood (Walker Lake);
7. Overland (Wild Acres Park Lake);
8. Sedalia Water Department (Spring Fork Lake);
9. St. Charles (Fountain Lakes Pond, Kluesner Lake, Moore Lake, Skate Park Lake);
10. St. Louis (Benton Park Lake, Boathouse Lake, Fairgrounds Park Lake, Horseshoe Lake, Hyde Park Lake, Jefferson Lake, Lafayette Park Lake, North Riverfront Park Lake, O'Fallon Park Lake, North Lake, South Lake);
11. St. Louis County (Bee Tree Park Lake, Blackjack Lake, Carp Lake, Creve Coeur Park Lake, Fountain Lake, Island Lake, Jarville Lake, Simpson Park Lake, Spanish Lake, Sunfish Lake, Tilles Park Lake);
12. University of Missouri (South Farm R-1 Lake); and
13. Wentzville (Community Club Lake, Heartland Lake);

(8) Channel catfish less than sixteen inches (16") total length must be returned to the water unharmed immediately after being caught on the following areas:

(A) Farmington (Hager Lake, Giessing Lake, Thomas Lake).

This amendment was filed August 29, 2016, becomes effective **September 15, 2016**.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters
ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

**5 CSR 100-200.035 Missouri Interpreters Certification System
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 738). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters
ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

**5 CSR 100-200.040 Restricted Certification in Education
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 738-739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters
ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.047 Provisional Certification (aka Learner's
Permit) is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2016 (41 MoReg 739). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters
ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

**5 CSR 100-200.050 Application for Interpreter Certification in
Missouri is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 739). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters
ORDER OF RULEMAKING**

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.060 Written Test is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 739-740). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.070 Performance Test and Evaluation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 740). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission adopts a rule as follows:

**5 CSR 100-200.095 Certified Deaf Interpreter Certification
is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2016 (41 MoReg 740). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received one (1) comment on the proposed rule.

COMMENT: Harrison H M Jones, Master, NIC Professional Sign Language Interpreter, comments that the rule should mention both the Texas Department of Assistance and Rehabilitative Services CDI test and the RID CDI exam. He states that both exams should be accepted and able to work in Missouri if properly licensed, adding that otherwise individuals unaware of the Texas test will not be able to work, leading to a continued drought of CDIs in Missouri.

RESPONSE: The State Committee of Interpreters, as per section 209.322, RSMo currently recognizes the Certified Deaf Interpreter (CDI) certification provided through the Registry of Interpreters of the Deaf (RID). No conversion to a Missouri Interpreter Certification (MICS) certification is needed for those interpreters. This rule allows Texas Department of Assistance and Rehabilitation Services (DARS) CDI certification holders to receive conversions to the MICS system, where they can apply for a license under the State Committee of Interpreters. This should increase the pool of available CDI certified interpreters in Missouri.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.130 Certification Maintenance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 740-741). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 5—DEPARTMENT OF ELEMENTARY
AND SECONDARY EDUCATION
Division 100—Missouri Commission for the Deaf
and Hard of Hearing
Chapter 200—Board for Certification of Interpreters**

ORDER OF RULEMAKING

By the authority vested in the Missouri Commission for the Deaf and Hard of Hearing under section 209.292, RSMo Supp. 2013, and section 209.295, RSMo 2000, the commission amends a rule as follows:

5 CSR 100-200.170 Skill Level Standards is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 741). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 10—Director, Department of Mental Health
Chapter 5—General Program Procedures**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2013, and section

630.108, RSMo Supp. 2014, the Department of Mental Health amends a rule as follows:

9 CSR 10-5.250 Screening and Assessment for Behavioral Changes is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2016 (41 MoReg 775). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 9—DEPARTMENT OF MENTAL HEALTH
Division 45—Division of Developmental Disabilities
Chapter 4—Financial Procedures**

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under section 630.050, RSMo Supp. 2013, Department of Mental Health amends a rule as follows:

9 CSR 45-4.020 Development of Intermediate Care Facilities for Individuals with Intellectual Disabilities is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2016 (41 MoReg 775-776). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 10—Nursing Home Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.159, RSMo 2000, and sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-10.016 Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2016 (41 MoReg 776-780). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 15—Hospital Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section

208.152, RSMo Supp. 2014, and sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-15.030 Payment and Payment Limitations for Inpatient Hospital Care is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 15, 2016 (41 MoReg 781-782). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 35—Dental Program**

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under section 208.152, RSMo Supp. 2015, and sections 208.153 and 208.201, RSMo Supp. 2013, the division amends a rule as follows:

13 CSR 70-35.010 Dental Benefits and Limitations, MO HealthNet Program is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 2, 2016 (41 MoReg 560-562). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Auditor's Office under section 29.100, RSMo 2000, and section 137.073.6, RSMo Supp. 2013, the auditor's office rescinds a rule as follows:

15 CSR 40-3.120 Calculation and Revision of Property Tax Rates is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on May 2, 2016 (41 MoReg 563). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held June 3, 2016, and the public comment period ended on June 6, 2016. At the public hearing the State Auditor's Office explained the proposed rescission and no comments were received.

**Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions**

ORDER OF RULEMAKING

By the authority vested in the Missouri State Auditor's Office under section 29.100, RSMo 2000, and section 137.073.6, RSMo Supp. 2013, the auditor adopts a rule as follows:

15 CSR 40-3.125 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 563–595). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held June 3, 2016, and the public comment period ended on June 6, 2016. At the public hearing the State Auditor's Office explained the proposed rule and four (4) individuals commented. The State Auditor's Office also received written comments from one (1) individual and an additional comment from State Auditor's Office staff.

COMMENT #1: Roger Kurtz, Executive Director with the Missouri Association of School Administrators, Chris Straub, a representative with the Missouri Association of School Administrators, Roger Adamson, with LJ Hart & Company, and Jason Hoffman with the Missouri Association of School Business Officials, commented that the Missouri State Tax Commission's draft percentage increase in state assessed valuation should not be referenced on the form as a method to estimate the increase in state assessed valuation.

RESPONSE: School districts are not required to use the State Tax Commission's draft percentage increase. The referenced language is one (1) of three (3) suggestions for estimating state assessed valuation and has been a historical method used by school districts to make their estimates. No changes will be made to the rule or forms.

COMMENT #2: Roger Kurtz, Executive Director with the Missouri Association of School Administrators, Chris Straub, a representative with the Missouri Association of School Administrators, Roger Adamson, with LJ Hart & Company, and Jason Hoffman with the Missouri Association of School Business Officials, commented that a new line should be added to the school district forms which would treat new construction of new state assessed property as new construction rather than being combined with all of the state assessed property.

RESPONSE: State law does not provide for separate calculations with regard to state assessed property. No changes will be made to the rule or forms.

COMMENT #3: The State Auditor's Office identified formatting, typographical, and scrivener errors on forms A, B, and C.

RESPONSE AND EXPLANATION OF CHANGE: The forms have been changed to correct these formatting, typographical, and scrivener errors.

**15 CSR 40-3.125 Calculation and Revision of Property Tax Rates
by School Districts**



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Tax Rate Summary

(20__)

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

The information to complete the Tax Rate Summary is available from prior year forms, computed on the attached forms, or computed on this page.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use
in Calculating
its Tax Rate

- A. **Prior Year Tax Rate Ceiling** as defined in Chapter 137 RSMo. Revised if the Prior Year Data Changed or a Voluntary Reduction was taken in a Non-Reassessment Year. (Prior Year Tax Rate Summary, Line F minus Line B in Odd Numbered Year) (Prior Year Tax Rate Summary, Line F in Even Numbered Year)
- B. **Current Year Rate Computed** Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo. If no Voter Approved Increase (Tax Rate Form A, Line 22)
- C. **Amount of Rate Increase Authorized by Voters** (If Same Purpose)
Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to the prior assessment & increased by the CPI%. (Tax Rate Form B, Line 16) **OR**
Increase to the Total Operating Levy up to \$2.75 per Amendment 2, if Applicable.
Date the School Board Decided to Use Amend. 2 (if using Amend. 2).
- D. **Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling**
[Line B (if no election), Otherwise Line C (if there was an election)]
- E. **Maximum Authorized Levy** Greater of the 1984 rate or most recent voter approved rate
[Greater of Prior Year Line E or Current Year Line D (if there was an election), Otherwise Prior Year Line E]
- F. **Current Year Tax Rate Ceiling** (Lower of Line D or E) Maximum Legal Rate to Comply with Missouri Laws
- G1. **Less Required Proposition C (Sales Tax) Reduction** taken from Tax Rate Ceiling (Line F). If Applicable
Circle the type of waiver your district has Full Partial No
Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver.
- G2. **Less 20% Required Reduction 1st Class Charter County School District NOT Submitting an Estimate Non-Binding Tax Rate to the County(ies)** taken from Tax Rate Ceiling (Line F).
- H. **Less Voluntary Reduction By School District** taken from Tax Rate Ceiling (Line F).
WARNING: A VOLUNTARY REDUCTION TAKEN IN AN EVEN-NUMBERED YEAR WILL LOWER THE TAX RATE CEILING FOR THE FOLLOWING YEAR
- I. **Plus Allowable Recoupment Rate** added to the Tax Rate Ceiling (Line F). If Applicable (Attach Form G or H)
- J. **Tax Rate To Be Levied** (Line F - Line G1 - Line G2 - Line H + Line I)
- AA. **Rate To Be Levied For Debt Service** If Applicable (Tax Rate Form C, Line 12)
- BB. **Additional Special Purpose Rate Authorized By Voters** After the Prior Year Tax Rates Were Set. Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior year assessment & increased by CPI%. (Tax Rate Form B, Line 16 if a Different Purpose)

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (School District) levying a rate in _____ County(ies) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best knowledge and belief. Please complete Line G - BB, sign this form, and return to the County Clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)
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Proposed rate to be entered on tax books by County Clerk

Based on Certification from the Political Subdivision: Lines

J

AA

BB

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

(Date)	(County Clerk's Signature)	(County)	(Telephone)
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PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form A

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

1. (20__) Current Year Assessed Valuation

Include the current locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

(a) _____	+	(b) _____	-	_____
(Real Estate)		(Personal Property)		(Total)

2. Assessed Valuation of New Construction and Improvements

2(a) - Obtained from the County Clerk or County Assessor

2(b) - Increase in Personal Property. Use the formula listed under Line 2(b).

(a) _____	+	(b) _____	-	_____
(Real Estate)		Line 1(b) - 3(b) - 5(b) + 6(b) - 7(b)		(Total)
		If Line 2b is Negative, Enter Zero		

3. Assessed Value of Newly Added Territory

Obtained from the County Clerk or County Assessor.

(a) _____	-	(b) _____	-	_____
(Real Estate)		(Personal Property)		(Total)

4. Adjusted Current Year Assessed Valuation

[Line 1 (Total) - Line 2 (Total) - Line 3 (Total)]

5. (20__) Prior Year Assessed Valuation

Include prior year locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

Note: If this is different than the amount on the Prior Year Form A, Line 1, then revise the Prior Year tax rate form to re-calculate the Prior Year Tax Rate Ceiling. Enter the revised Prior Year Tax Rate Ceiling on this year's Tax Rate Summary, Line A.

(a) _____	-	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

6. Assessed Value of Newly Separated Territory

Obtained from the County Clerk or County Assessor.

(a) _____	+	(b) _____	-	_____
(Real Estate)		(Personal Property)		(Total)

7. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year

Obtained from the County Clerk or County Assessor.

(a) _____	+	(b) _____	-	_____
(Real Estate)		(Personal Property)		(Total)

8. Adjusted Prior Year Assessed Valuation

[Line 5 (Total) - Line 6 (Total) - Line 7 (Total)]



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Tax Rate Form A

(20__)

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its
Tax Rate

9. **Percentage Increase in Adjusted Valuation** of existing property in the current year over the prior year's assessed valuation.

$[(\text{Line 4} - \text{Line 8}) / \text{Line 8}] \times 100$

10. **Increase in Consumer Price Index** as Certified by the State Tax Commission.

11. **Adjusted Prior Year Assessed Valuation** (Line 8)

12. (20__) **Tax Rate Ceiling From Prior Year** (Tax Rate Summary, Line A)

13. **Maximum Prior Year Adjusted Revenue from Locally Assessed Property** that existed in both years
 $[(\text{Line 11} \times \text{Line 12}) / 100]$

14. **Maximum Prior Year Revenue from State Assessed Property (before reductions)**
Provided by the Department of Elementary & Secondary Education.

15. **Total Adjusted Prior Year Revenue** (Line 13 + Line 14)

16. **Permitted Reassessment Revenue Growth**

The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a zero for Line 16 purposes. Do not enter less than 0 or more than 5%.

17. **Additional Revenue Permitted** (Line 15 x Line 16)

18. **Total Revenue Permitted in Current Year**
from property that existed in both years. (Line 15 + Line 17)

19. **Estimated Current Year Revenue from State Assessed Property (before reductions)** The school district should use its best estimate. (i.e. same amount as Line 14, current year's Line 14 multiplied by the percentage increase in state assessed valuation per the State Tax Commission, or using the best educated guess)

If this amount declines substantially from the amount on Line 14, please provide written documentation to explain the reasons for such difference.

20. **Revenue Permitted from Existing Locally Assessed Property ***
(Line 18 - Line 19)

21. **Adjusted Current Year Assessed Valuation** (Line 4)

22. **Maximum Tax Rate Permitted by Article X, Section 22 and Section 137.073 RSMo.**
 $[(\text{Line 20} / \text{Line 21}) \times 100]$

Round a fraction to the nearest one/one hundredth of a cent.

Enter this rate on Tax Rate Summary, Line B.

* To compute the total property tax revenues BILLED for the current year (including revenues from all new construction & improvements & annexed property), multiply Line 1 by the rate on Line 22 and divide by 100. The property tax revenues BILLED would be used in estimating budgeted revenues.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. Date of Election

2. Ballot Language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. Election Results

(Yes)

(No)

4. Expiration Date (If no sunset clause in ballot, leave blank)

Enter the last year the levy will be in effect, if applicable.

5. New Proposition C Waiver

Indicate whether the district obtained a **new waiver** to eliminate part or all of the required Proposition C Reduction.

Indicate the election results on the Proposition C Waiver

(Yes)

(No)

6. Amount of Increase Approved by Voters

(An "Increase/Decrease of" or an "Increase/Decrease by")

OR

(a) _____

Stated Rate Approved by Voters

(An "Increase/Decrease to")

(b) _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its
Tax Rate

7. **Prior Year Tax Rate Ceiling or Voluntarily Reduced Rate to Apply Voter Approved Increase to.**
(Tax Rate Summary, Line A if Increase to an Existing Rate, Otherwise 0)
8. **Voter Approved Increased Tax Rate to Adjust**
(If an "Increase of" ballot, Line 6a + Line 7. If an "Increase to" ballot, Line 6b)
9. **Adjusted Prior Year Assessed Valuation**
(Tax Rate Form A, Line 8)
10. **Maximum Prior Year Adjusted Revenue**
from property that existed in both years
(Line 8 x Line 9 /100)
11. **Consumer Price Index (CPI)**
as Certified by the State Tax Commission
12. **Permitted Revenue Growth for CPI**
(Line 10 x Line 11)
13. **Total Revenue Allowed from the Additional Voter Approved Increase**
from property that existed in both years
(Line 10 + Line 12)
14. **Adjusted Current Year Assessed Valuation**
(Form A, Line 4)
15. **Adjusted Voter Approved Increased Tax Rate**
This rate will allow the same revenue as applying the Voter Approved Increase Rate (Line 8) to the Prior Year Assessed Value (Line 9) Increased by the CPI (Line 11).
(Line 13 / Line 14 x 100)
16. **Amount of Rate Increase Authorized by Voters for the Current Year**
House Bill No. 506, passed in 2011, allows taxing authorities that passed a voter approved increase after August 27, 2008 to levy a rate that is the greater of the increase approved by voters (Line 8) or the adjusted voter approved increase (Line 15) in order to generate substantially the same revenue that would have been generated by applying the voter approved increase to the total assessed valuation at the time of the voter approval increased by the consumer price index (Line 11). Enter this Rate Computed on the Tax Rate Summary, Line C if increasing an existing levy, Otherwise, on the Tax Rate Summary, Line BB if this is a new or a temporary rate increase.
(If Line 8 > Line 15, then Line 8, Otherwise Line 15)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form C

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

		Debt Service
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes.

The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments.

Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.

1. **Total current year assessed valuation** obtained from the County Clerk or Assessor.
(Tax Rate Form A, Line 1 Total) _____
2. **Amount required to pay debt service requirements during the next calendar year**
(i.e. Assuming the current year is Year 1, use January - December (Year 2) payments to complete the (Year 1) Form C). Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent due during the next calendar year. _____
3. **Estimated costs of collection (collector fees & commissions and Assessment Fund withholdings) and anticipated delinquencies.**
Experience in prior years is the best guide for estimating un-collectible taxes.
(Usually 2% to 10% of Line 2 above) _____
4. **Reasonable reserve up to one year's payment**
(i.e. Assuming the current year is Year 1, use January - December (Year 3) payments to complete the (Year 1) Form C). It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds.
Include payments for the year following the next calendar year accounted for on Line 2. _____
5. **Total required for debt service (Line 2 + Line 3 + Line 4)** _____
6. **Anticipated balance at end of current calendar year.**
Show the anticipated bank or fund balance at December 31st of this year (this will equal the current balance minus the amount of any principal or interest due before December 31st plus any estimated investment earning due before December 31st). Do not add the anticipated collections of this tax into this amount. _____
7. **Property tax revenue required for debt service (Line 5 - Line 6)**
Line 6 is subtracted from Line 5 because the debt service fund is only allowed to have the payments required for the next calendar year (Line 2) and the reasonable reserve of the following year's payment (Line 4). Any current balance in the fund is already available to meet these requirements so it is revenues required for Debt Service Purposes. _____
8. **Estimated revenue from state assessed property for debt service for the next calendar year (January - December)** - Must be estimated by the school district. In most instances a good estimate would be the same amount as the state assessed revenues actually placed in the Debt Service Fund in the prior year. _____
9. **Revenue required from locally assessed property for debt service**
(Line 7 - Line 8) _____
10. **Computation of debt service tax rate** [(Line 9 / Line 1) x 100]
Round a fraction to the nearest one/one hundredth of a cent. _____
11. **Less Voluntary Reduction By School District** _____
12. **Actual rate to be levied for debt service purposes** * (Line 10 - Line 11)
Enter this rate on Line AA of the Tax Rate Summary. _____

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data

For SCHOOL DISTRICTS Levying a Single Rate on ALL PROPERTY

Name of Political Subdivision	Political Subdivision Code	Purpose of Levy
<p>This page shows the information that would have been on the line items for the Summary, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.</p> <p>Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.</p> <p>Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.</p>		
<p>Based on Prior Year Tax Rate Ceiling as if No Voluntary Reductions were Taken</p>		
<p>Informational Tax Rate Summary Information</p> <p>A. Prior Year Tax Rate Ceiling (Prior Year Informational Tax Rate Data, Line F) _____</p> <p>B. Current Year Rate Computed (Informational Tax Rate Form A, Line 22 below) _____</p> <p>C. Amount of Increase Authorized by Voters for Current Year (Informational Tax Rate Form B, Line 16 below) _____</p> <p>D. Rate to Compare to Maximum Authorized Levy [Line B (if no election), Otherwise Line C (if there was an election)] _____</p> <p>E. Maximum Authorized Levy [Greater of Prior Year Line E or Current Year Line D (if there was an election), Otherwise Prior Year Line E] _____</p> <p>F. Tax Rate Ceiling if No Voluntary Reductions were Taken in a Prior Even Numbered Year (Lower of Line D or E) _____</p>		
<p>Informational Tax Rate Form A, Page 2 Information</p> <p>9. Percentage Increase in Adjusted Valuation [(Tax Rate Form A, Line 4 - Line 8) / Line 8 x 100] _____</p> <p>10. Increase in Consumer Price Index as Certified by the State Tax Commission. _____</p> <p>11. Adjusted Prior Year Assessed Valuation (Tax Rate Form A, Line 8) _____</p> <p>12. (20__) Tax Rate Ceiling From Prior Year (Informational Tax Rate Summary, Line A from above) _____</p> <p>13. Maximum Prior Year Adjusted Revenue from Locally Assessed Property that existed in both years. [(Line 11 x Line 12) / 100] _____</p> <p>14. Maximum Prior Year Adjusted Revenue from State Assessed Property (before reductions). Provided by DESE _____</p> <p>15. Total Adjusted Prior Year Revenue (Line 13 + Line 14) _____</p> <p>16. Permitted Reassessment Revenue Growth <i>The percentage entered on Line 16 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a zero for Line 16 purposes. Do not enter less than 0, nor more than 5%.</i> _____</p> <p>17. Additional Reassessment Revenue Permitted (Line 15 x Line 16) _____</p> <p>18. Total Revenue Permitted in Current Year from property that existed in both years. (Line 15 + Line 17) _____</p> <p>19. Estimated Current Year Revenue from State Assessed Property (before reductions) estimated by school district _____</p> <p>20. Revenue Permitted from Existing Locally Assessed Property (Line 18 - Line 19) _____</p> <p>21. Adjusted Current Year Assessed Valuation (Form A, Line 4) _____</p> <p>22. Maximum Tax Rate Permitted by Article X, Section 22 and Section 137.073 RSMo. If No Voluntary Reduction was Taken [(Line 20 / Line 21) x 100] _____</p>		
<p>Informational Tax Rate Form B, Page 2 Information</p> <p>7. Prior Year Tax Rate Ceiling to Apply Voter Approved Increase to. (Informational Tax Rate Summary, Line A if Increase to an Existing Rate, Otherwise 0) _____</p> <p>8. Voter Approved Increased Tax Rate to Adjust (If an "Increase of" ballot, Tax Rate Form B, Line 6a + Line 7. If an "Increase to" ballot, Tax Rate Form B, Line 6b) _____</p> <p>9. Adjusted Prior Year Assessed Valuation (Tax Rate Form A, Line 8) _____</p> <p>10. Maximum Prior Year Adjusted Revenue from property that existed in both years. (Line 8 x Line 9 / 100) _____</p> <p>11. Consumer Price Index (CPI) as Certified by the State Tax Commission. _____</p> <p>12. Permitted Revenue Growth for CPI (Line 10 x Line 11) _____</p> <p>13. Total Revenue Allowed from the Additional Voter Approved Increase from property that existed in both years. (Line 10 + Line 12) _____</p> <p>14. Adjusted Current Year Assessed Valuation (Tax Rate Form A, Line 4) _____</p> <p>15. Adjusted Voter Approved Increased Tax Rate (Line 13 / Line 14 x 100) _____</p> <p>16. Amount of Rate Increase Authorized by Voters for the Current Year (If Line 8 > Line 15, then Line 8, Otherwise, Line 15) _____</p>		



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Summary

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

The information to complete the Tax Rate Summary is available from prior year forms, computed on the attached forms, or computed on this page.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate			Personal Property	Prior Method Single Rate
	Residential	Agriculture	Commercial		
A. Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo. Revised if Prior Year Data Changed or a Voluntary Reduction was Taken in a Non-Reassessment Year. (Prior Year Tax Rate Summary, Line F minus Line II in (Odd Numbered Year) (Prior year Tax Rate Summary, Line F in Even Numbered Year)					
B. Current Year Rate Computed Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073 RSMo. <u>If no Voter Approved Increase.</u> [Tax Rate Form A, Line 41 & Line 27 (Prior Method)]					
C. Amount of Rate Increase Authorized by Voters (If Same Purpose) Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI. OR Increase of the Total Operating Levy up to \$2.75 per Amendment 2, If Applicable Date the School Board decided to use Amend 2: _____ (Tax Rate Form B, Line 16)					
D. Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling [Line B (if no election) otherwise Line C]					
E. Maximum Authorized Levy Greater of the 1984 rate or most recent voter approved rate [Greater of Prior Year Line E or Current Year Line D (if there was an election). Otherwise Prior Year Line E]					
F. Current Year Tax Rate Ceiling Maximum Legal Rate to Comply with Missouri Laws					
G. 1. Less Required Prop C Tax Reduction taken from Tax Rate Ceiling (Line F) If Applicable. Circle the type of waiver your district has Full Partial No Attach a copy of the DESE Prop C Reduction Worksheet if there is no waiver					
G. 2. Less 20% Required Reduction 1st Class Charter County School District NOT Submitting an Estimate Non-Binding Tax Rate to the County(ies) taken from Tax Rate Ceiling (Line F).					
H. Less Voluntary Reduction By School District taken from Tax Rate Ceiling (Line F). WARNING: A Voluntary Reduction Taken In An Even-Numbered Year Will Lower The Tax Rate Ceiling For The Following Year					
I. Plus Allowable Recoupment Rate added to Tax Rate Ceiling (Line F) If Applicable (Attach Form G or H)					
J. Tax Rate To Be Levied (Line F - Line G1 - Line G2 - Line H + Line I)					
AA. Rate to be Levied For Debt Service If Applicable (Form C, Line 12)					
BB. Additional Special Purposed Rate Authorized By Voters After the Prior Year Tax Rates were Set. (Tax Rate Form B, Line 16 if a Different Purpose) Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI					

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (Political Subdivision)
levying a rate in _____ (County or Counties) do hereby certify that the data set forth above and on the
accompanying forms is true and accurate to the best of my knowledge and belief.
Please complete Line G through BB, sign this form, and return to the County Clerk(s) for final certification.

(Date) _____ (Signature) _____ (Print Name) _____ (Telephone) _____

Proposed rate to be entered on tax books by County Clerk
Based on Certification from the Political Subdivision:

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section. Lines: **J** _____
AA _____
BB _____

(Date) _____ (County Clerk's Signature) _____ (County) _____ (Telephone) _____

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED Tax Rate Form A For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property					(20__)
Name of Political Subdivision		Political Subdivision Code		Purpose of Levy	
The final version of this form MUST be sent to the County Clerk. Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.					
<p>Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).</p>					
	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	(Prior Method) Single Rate Calculation
1. (20__) Current Year Assessed Valuation Include the current locally and state assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.					
2. Assessed Valuation of New Construction & Improvements 2(a) (b) & (c) - May be obtained from the County Clerk or County Assessor 2(d) - [Line 1(d) + 3(d) + 6(d) + 7(d) + 8(d)] If negative, enter zero.					
3. Assessed Value of Newly Added Territory Obtained from the County Clerk or County Assessor					
4. Assessed Value of Real Property that Changed Subclass from the Prior Year (Added to a New Subclass in the Current Year) Obtained from the County Clerk or County Assessor					
5. Adjusted Current Year Assessed Valuation (Line 1 - Line 2 - Line 3 - Line 4)					
6. (20__) Prior Year Assessed Valuation Include the prior year locally assessed valuation obtained from the County Clerk, County Assessor or comparable office finalized by the local board of equalization. Note: If this is different than the amount on the Prior Year Tax Rate Form A, Line 1 then revise the Prior Year tax rate form to re-calculate the Prior Year tax rate ceiling. Enter the revised Prior Year tax rate ceiling on the Current Year's Tax Rate Summary, Line A					
7. Assessed Value in Newly Separated Territory Obtained from the County Clerk or County Assessor					
8. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year Obtained from the County Clerk or County Assessor					
9. Assessed Value of Real Property that Changed Subclass from the Prior Year (Subtracted from the Previously Reported Subclass) Obtained from the County Clerk or County Assessor					
10. Adjusted Prior Year Assessed Valuation (Line 6 - Line 7 - Line 8 - Line 9)					

PRO FORM A - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Tax Rate Form A

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____
The final version of this form MUST be sent to the County Clerk.
 Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered years(s). If in an even numbered year the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 10) ÷ Line 10] x 100						
12. Increase in Consumer Price Index Certified by the State Tax Commission						
13. Adjusted Prior Year Assessed Valuation (Line 10)						
14. (20__) Prior Year Voluntarily Reduced Rate in Non-Reassessment Year (Tax Rate Summary, Line A)						
15. Maximum Prior Year Adjusted Revenue Permitted from Locally Assessed Property from property that existed in both years [(Line 13 x Line 14) ÷ 100]						
16. Maximum Prior Year Revenue from State Assessed Property (before reductions). Provided by the DERS; & allocated to each subclass of real estate based on its % of assessed valuation.						
17. Total Adjusted Prior Year Revenue (Line 15 + Line 16)						
18. Permitted Reassessment Revenue Growth Enter the lower of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%. Do not enter less than 0%, nor more than 5%.						
19. Additional Reassessment Revenue Permitted (Line 17 x Line 18)						
20. Revenue Permitted in the Current Year from property that existed in both years. (Line 17 + Line 19)						
21. Estimated Current Year Revenue from State Assessed Property (before reductions) The school district should use its best estimate for Line 21 (Total), which is allocated to each subclass of real estate based on its % of assessed valuation. (i.e. same amount as Line 16 (Total), Line 16 (Total) multiplied by the % increase in state assessed valuation per the State Tax Commission, or using the educated guess). If Line 21 (Total) declines substantially from the amount on Line 16 (Total), please provide written documentation to the State Auditor's Office to explain the reasons for such difference.						


PRO FORM A - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Tax Rate Form A
For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

(20) -

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	(a) Residential	(b) Real Estate	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
22. Revenue Permitted from Existing Locally Assessed Property (Line 20 - Line 21)						
23. Adjusted Current Year Assessed Valuation (Line 5)						
24. Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to HB 1150 & SB960 (Line 22 / Line 23 x 100)						
25. Limit Personal Property to the Prior Year Ceiling [Lower of Line 24 (Personal Property) or Line 14 (Personal Property)]						
26. Maximum Authorized Levy (Tax Rate Summary, Line E)						
27. Limit to the Prior Year Maximum Authorized Levy [Lower of Line 24, Line 23 (for Personal Property only), or Line 26]						
Enter the Rate for the Prior Method Column on Line B of the Tax Rate Summary						
Calculate Revised Rate(s)						
28. Tax Revenue [(Line 1 x Line 27) / 100]						
29. Total Assessed Valuation [Line 1 (Total)]						
30. Blended Rate [Line 28 (Total) / Line 29 x 100]						
31. Revenue Difference due to the multi rate calculation [Line 28 (Total) - Line 28 (Prior Method)]						
32. Rate(s) to be Revised Note: Revision Can Not Increase Personal Property Rate [(If Line 31 < 0 or > 0 & Line 27 < Line 27 (Prior Method), then Line 27, Otherwise 0)]						
33. Current Year Adjusted Assessed Valuation of Rates being Revised [(If Line 32 > 0, then Line 5, Otherwise 0)]						
34. Relative Ratio of Current Year Adjusted Assessed Valuation of the Rates being Revised [Line 33 / Line 33 (Total)]						
35. Revision to Rate [(If Line 32 > 0, then -Line 34 x Line 31 / Line 5 x 100 (limited to - Line 32), Otherwise 0)]						
36. Revised Rate (Line 27 + Line 35)						
37. Revised Rate Rounded (If Line 36 < 1, then Round to a 3 - digit rate, Otherwise Round to a 4 - digit rate)						

(Form Revised 03-2016)

Tax Rate Form A, Page 3 of 4



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision _____

Political Subdivision Code _____

Purpose of Levy _____

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. Date of Election _____

2. Ballot Language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. Election Results

(Yes) _____

(No) _____

4. Expiration Date

Enter the last year the levy will be in effect, if applicable. _____

5. New Proposition C Waiver

- Indicate whether the district obtained a new waiver to eliminate part or all of the required Proposition C Reduction. _____
- Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot. _____

- Also indicate the election results on the Proposition C Waiver

(Yes) _____

(No) _____

6. Amount of Increase Approved by Voters (if this is an increase to an existing rate)
(An "Increase of" or an "Increase by") ORStated Rate Approved by Voters (if this is an increase to an existing rate)
(An "Increase to")

a. _____

b. _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Tax Rate Form B

(20__)

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate				
	Residential	Agricultural	Commercial	Personal Property	Prior Method
7. Prior Year Tax Rate Ceiling to Apply Voter Approved Increase to. (Tax Rate Summary, Line A if Increase to an Existing Rate, Otherwise 0)					
8. Voter Approved Increased Tax Rate to Adjust (If Line 6a > 0, then Line 6a - Line 7, otherwise, Line 6b).					
9. Adjusted Prior Year Assessed Valuation (Tax Rate Form A, Line 10)					
10. Maximum Prior Year Adjusted Revenue from property that existed in both years (Line 8 x Line 9 / 100)					
11. Consumer Price Index (CPI) as Certified by the State Tax Commission.					
12. Permitted Revenue Growth Allowed for CPI (Line 10 x Line 11)					
13. Total Revenue Allowed from the Additional Voter Approved Increase from property that existed in both years (Line 10 + Line 12)					
14. Adjusted Current Year Assessed Valuation (Tax Rate Form A, Line 5)					
15. Adjusted Voter Approved Increase Tax Rate This rate will allow the same revenue as applying the Voter Approved Increase Rate (Line 8) to the Prior year Assessed Value (Line 9) Increased by the CPI (Line 11). (Line 13 / Line 14 x 100)					
16. Amount of Rate Increase Authorized by Voters for the Current Year House Bill No. 506, passed in 2011, allows taxing authorities that passed a voter approved increase after August 27, 2008 to levy a rate that is the greater of the increase approved by voters (Line 8) or the adjusted voter approved increase (Line 15) in order to generate substantially the same revenue that would have been generated by applying the voter approved increase to the total assessed valuation at the time of the voter approval increased by the consumer price index (Line 11). Enter this Rate Computed on the Tax Rate Summary, Line C if increasing an existing levy. Otherwise, on the Tax Rate Summary, Line BB if this is a new or a temporary rate increase. (If Line 8 > Line 15, Then Line 8. Otherwise Line 15)					

**PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED****Tax Rate Form C**

(20__)

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision	Political Subdivision Code	Debt Service Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes.

The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments.

Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.

1. **Total current year assessed valuation** obtained from the County Clerk or Assessor.
(Tax Rate Form A, Line 1 Total)

2. **Amount required to pay debt service requirements during the next calendar year**

(i.e. Assuming the current year is Year 1, use January - December (Year 2) payments to complete the (Year 1) Form C). Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agency or paying agent due during the next calendar year.

3. **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.**

Experience in prior years is the best guide for estimating un-collectible taxes.
(Usually 2% to 10% of Line 2 above)

4. **Reasonable reserve up to one year's payment**

(Assuming the current year is Year 1, use January - December (Year 3) payments to complete the (Year 1) Form C. It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. Include payments for the year following the next calendar year accounted for on Line 2.

5. **Total required for debt service (Line 2 + Line 3 + Line 4)**

6. **Anticipated balance at end of current calendar year.**

Show the anticipated bank or fund balance at December 31st of this year (this will equal the current balance minus the amount of any principal or interest due before December 31st plus any estimated investment earning Due before December 31st). Do not add the anticipated collections of this tax into this amount.

7. **Property tax revenue required for debt service (Line 5 - Line 6)**

Line 6 is subtracted from Line 5 because the debt service fund is only allowed to have the payments required for the next calendar year (Line 2) and the reasonable reserve of the following year's payment (Line 4). Any current balance in the fund is already available to meet these requirements so it is deducted from the total revenues required for Debt Service Purposes.

8. **Estimated revenue from state assessed property for debt service for the next calendar year (January - December) -** Must be estimated by the school district. In most instances a good estimate would be the same amount as the state assessed revenues actually placed in the Debt Service Fund in the prior year.

9. **Revenue required from locally assessed property for debt service (Line 7 - Line 8)**

10. **Computation of debt service tax rate [(Line 9 / Line 1) x 100]**
Round a fraction to the nearest one/one hundredth of a cent.

11. **Less Voluntary Reduction By Political Subdivision**

12. **Actual rate to be levied for debt service purposes * (Line 10 - Line 11)**
Enter this rate on Line AA of the Tax Rate Summary.

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data Summary

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

This page shows the information that would have been on the line items for the Summary had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

	Real Estate			Personal	Prior Method
	Residential	Agriculture	Commerical	Property	Single Rate

A. Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo. Revised if Prior Year Data Changed or a Voluntary Reduction was Taken in a Non-Reassessment Year.

(Prior Year Informational Tax Rate Data Summary, Line F)

B. Current Year Rate Computed Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073 RSMo. If no Voter Approved Increase.

[Informational Tax Rate Data Form A, Line 37 & Line 23 (Prior Method)]

C. Amount of Rate Increase Authorized by Voters for Current Year (If Same Purpose)

Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI.

(Informational Tax Rate Data Form B, Line 16)

D. Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling

[Line B (if no election) otherwise Line C]

E. Maximum Authorized Levy Enter the Most Recent Voter Approved Rate

Based on the Prior Year Tax Rate Ceiling

F. Current Year Tax Rate Ceiling Maximum Legal Rate to Comply with Missouri Laws

Based on Prior Year Tax Rate Ceiling (Lower of Line D or Line E)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

(20__).

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review.

(a) Residential (b) Real Estate (c) Commercial (d) Personal Property (Prior Method) Single Rate Calculation

	(a)	(b)	(c)	(d)	Total	(Prior Method) Single Rate Calculation
1. (20__) Current Year Assessed Valuation Include the current locally and state assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.						
2. Assessed Valuation of New Construction & Improvements 2(a) (b) & (c) - May be obtained from the County Clerk or County Assessor 2(d) = [Line 1(d) - 3(d) - 6(d) + 7(d) + 8(d)] If negative, enter zero.						
3. Assessed Value of Newly Added Territory Obtained from the County Clerk or County Assessor						
4. Assessed Value of Real Property that Changed Subclass from the Prior Year (Added to a New Subclass in the Current Year) Obtained from the County Clerk or County Assessor						
5. Adjusted Current Year Assessed Valuation (Line 1 - Line 2 - Line 3 - Line 4)						
6. (20__) Prior Year Assessed Valuation Include the prior year locally and state assessed valuation obtained from the County Clerk, County Assessor or comparable office finalized by the local board of equalization. Note: If this is different than the amount on the Prior Year Tax Rate Form A, Line 1 then revise the Prior Year tax rate form to re-calculate the Prior Year tax rate ceiling. Enter the revised Prior Year tax rate ceiling on the Current Year's Tax Rate Summary, Line A.						
7. Assessed Value in Newly Separated Territory Obtained from the County Clerk or County Assessor						
8. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year Obtained from the County Clerk or County Assessor						
9. Assessed Value of Real Property that Changed Subclass from the Prior Year (Subtracted from the Previously Reported Subclass) Obtained from the County Clerk or County Assessor						
10. Adjusted Prior Year Assessed Valuation (Line 6 - Line 7 - Line 8 - Line 9)						

(Form Revised 03-2016)

Informational Tax Rate Data Form A, Page 1 of 4

PRO FORM A - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A
For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property



(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____
The final version of this form **MUST** be sent to the County Clerk.
Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 5 - Line 10) / Line 10] x 100						
12. Increase in Consumer Price Index Certified by the State Tax Commission						
13. Adjusted Prior Year Assessed Valuation (Line 10)						
14. (20__) Prior Year Voluntarily Reduced Rate in Non-Reassessment Year (Informational Tax Rate Data Summary, Line A)						
15. Maximum Prior Year Adjusted Revenue Permitted from Locally Assessed Property from property that existed in both years [(Line 13 x Line 14) / 100]						
16. Maximum Prior Year Revenue from State Assessed Property (before reductions). Provided by the DESE & allocated to each subclass of real estate based on its % of assessed valuation.						
17. Total Adjusted Prior Year Revenue (Line 15 + Line 16)						
18. Permitted Reassessment Revenue Growth Enter the lower of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%.						
19. Additional Reassessment Revenue Permitted (Line 17 x Line 18)						
20. Revenue Permitted in the Current Year from property that existed in both years. (Line 17 + Line 19)						
21. Estimated Current Year Revenue from State Assessed Property (before reductions) The school district should use its best estimate for Line 21 (Total), which is allocated to each subclass of real estate based on its % of assessed valuation. (i.e. same amount as Line 16 (Total), Line 16 (Total) multiplied by the % increase in state assessed valuation per the State Tax Commission, or using the educated guess). If Line 21 (Total) declines substantially from the amount on Line 16 (Total), please provide written documentation to the State Auditor's Office to explain the reasons for such difference.						



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered years. The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered years and follows the following steps in an even numbered year.

Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review.

	(a)		(b)		(c)	(d)	(Prior Method) Single Rate Calculation
	Residential	Real Estate	Agricultural	Commercial			
22. Revenue Permitted from Existing Locally Assessed Property (Line 20 - Line 21)							
23. Adjusted Current Year Assessed Valuation (Line 5)							
24. Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to 10/3 1150 & SB960 (Line 22 / Line 23 x 100)							
25. Limit Personal Property to the Prior Year Ceiling [Lower of Line 24 (Personal Property) or Line 14 (Personal Property)]							
26. Maximum Authorized Levy (Informational Tax Rate Data Summary, Line E)							
27. Limit to the Prior Year Maximum Authorized Levy Enter the Rate for Prior Method Column on Line B of the Informational Tax Rate Data Summary [Lower of Line 24, Line 25 (for Personal Property only), or Line 26]							
Calculate Revised Rate(s)							
28. Tax Revenue [(Line 1 x Line 27) / 100]							
29. Total Assessed Valuation [Line 1 (Total)]							
30. Blended Rate [Line 28 (Total) / Line 29 x 100]							
31. Revenue Difference due to the multi rate calculation [Line 28 (Total) - Line 28 (Prior Method)]							
32. Rate(s) to be Revised Note: Revision Can Not Increase Personal Property Rate [(If Line 31 < 0 or > 0 & Line 27 < Line 27 (Prior Method), Then Line 27, Otherwise 0)]							
33. Current Year Adjusted Assessed Valuation of Rates being Revised (If Line 32 > 0, Then Line 5, Otherwise 0)							
34. Relative Ratio of Current Year Adjusted Assessed Valuation of the Rates being Revised [Line 33 / Line 33 (Total)]							
35. Revision to Rate [(If Line 32 > 0, Then -Line 34 x Line 31 / Line 5 x 100 (limited to - Line 32), Otherwise 0)]							
36. Revised Rate (Line 27 + Line 35)							
37. Revised Rate Rounded (If Line 36 < 1, Then Round to a 3 - digit rate, Otherwise Round to a 4 - digit rate)							

(Form Revised 03-2016)

Informational Tax Rate Data Form A, Page 3 of 4

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A
For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property



(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____
The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review

	(a)		(b)		(c)		(d)	(Prior Method) Single Rate Calculation
	Residential	Real Estate	Agricultural	Commercial	Personal Property	Total		

Calculate Final Blended Rate

38. Tax Revenue [(Line 1 x Line 37) / 100] _____
39. Total Assessed Valuation (Line 1 (Total)) _____
40. Final Blended Rate [(Line 38 (Total) / Line 39) x 100] _____
41. Tax Rate(s) Permitted Calculated Pursuant to Article X, Section 22 and Section 137.073 RSMo. (Line 37) Enter Rate(s) on the Tax Rate Summary, Line B _____

For Information Purposes Only - Impact of the Multi Rate System

42. Revenue Calculated Using Multi Rate [(Line 41 x Line 1) / 100] _____
43. Revenue Calculated Using Single Rate [(Line 27 (Prior Method) x Line 1) / 100] _____
44. Revenue Differences Using the Different Methods (Line 42 - Line 43) _____
45. Percent Change (Line 44 / Line 43) _____

For Information Purposes Only - Blended Rate Calculation

46. Tax Rate Ceiling (Info. Tax Rate Summary, Line F) _____
47. Allowable Recoupment Rate (Tax Rate Summary, Line I) _____
48. DESF Screen 6 Tax Rate Ceiling Including Recoupment (Line 46 + Line 47) _____
49. Assessed Valuation (Line 1) _____
50. Revenue from DESF Screen 6 Tax Rate Ceiling [(Line 48 x Line 49) / 100] _____
51. Blended Tax Rate Ceiling to Report on DESF Screen 6 [(Line 50 (Total) / Line 49 (Total) x 100] _____
52. Voluntary Reduction (Tax Rate Summary, Line H) _____
53. Unadjusted Levy (Line 48 - Line 52) _____
54. Assessed Valuation (Line 1) _____
55. Revenue from Unadjusted Levy [(Line 53 x Line 54) / 100] _____
56. Blended Tax Rate from the Unadjusted Levy to Report on DESF Screen 6 [(Line 55 / Line 54) x 100] _____
57. Prop C Reduction (Tax Rate Summary, Line G) _____
58. Adjusted Levy (Line 53 - Line 57) _____
59. Assessed Valuation (Line 1) _____
60. Revenue from Adjusted Levy [(Line 58 x Line 59) / 100] _____
61. Blended Tax Rate from the Adjusted Levy to Report on DESF Screen 6 [(Line 60 / Line 59) x 100] _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data Form B

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision _____

Political Subdivision Code _____

Purpose of Levy _____

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase in an existing tax or approved a new tax. Informational Tax Rate Data Form B is designed to document the election.

1. Date of Election _____

2. Ballot Language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. Election Results

(Yes) _____

(No) _____

4. Expiration Date

Enter the last year the levy will be in effect, if applicable.

5. New Proposition C Waiver

- Indicate whether the district obtained a new waiver to eliminate part or all of the required Proposition C Reduction.
- Attach a sample ballot or state the proposition posed exactly as it appeared on the ballot.

- Also indicate the election results on the Proposition C Waiver

(Yes) _____

(No) _____

6. Amount of Increase Approved by Voters (if this is an increase to an existing rate)
(An "Increase of" or an "Increase by") OR

a. _____

Stated Rate Approved by Voters (if this is an increase to an existing rate)
(An "Increase to")

b. _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Informational Tax Rate Data Form B

(20__)

For SCHOOL DISTRICTS Calculating a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

This form shows the information that would have been on the line items for the Form A had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

	Real Estate				
	Residential	Agricultural	Commercial	Personal Property	Prior Method
7. Prior Year Tax Rate Ceiling to Apply Voter Approved Increase to. (Tax Rate Summary, Line A if Increase to an Existing Rate. Otherwise 0)					
8. Voter Approved Increased Tax Rate to Adjust (If Line 6a > 0, then Line 6a ÷ Line 7, otherwise, Line 6b).					
9. Adjusted Prior Year Assessed Valuation (Informational Tax Rate Data Form A, Line 10)					
10. Maximum Prior Year Adjusted Revenue from property that existed in both years (Line 8 x Line 9) / 100					
11. Consumer Price Index (CPI) as Certified by the State Tax Commission.					
12. Permitted Revenue Growth Allowed for CPI (Line 10 x Line 11)					
13. Total Revenue Allowed from the Additional Voter Approved Increase from property that existed in both years (Line 10 + Line 12)					
14. Adjusted Current Year Assessed Valuation (Tax Rate Form A, Line 5)					
15. Adjusted Voter Approved Increase Tax Rate This rate will allow the same revenue as applying the Voter Approved Increase Rate (Line 8) to the Prior year Assessed Value (Line 9) Increased by the CPI (Line 11). (Line 13 / Line 14 x 100)					
16. Amount of Rate Increase Authorized by Voters for the Current Year House Bill No. 506, passed in 2011, allows taxing authorities that passed a voter approved increase after August 27, 2008 to levy a rate that is the greater of the increase approved by voters (Line 8) or the adjusted voter approved increase (Line 15) in order to generate substantially the same revenue that would have been generated by applying the voter approved increase to the total assessed valuation at the time of the voter approval increased by the consumer price index (Line 11). Enter this Rate Computed on the Tax Rate Summary, Line C if increasing an existing levy. Otherwise, on the Tax Rate Summary, Line BB if this is a new or a temporary rate increase. (If Line 8 > Line 15, Then Line 8, Otherwise Line 15)					

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

ORDER OF RULEMAKING

By the authority vested in the Missouri State Auditor's Office under section 29.100, RSMo 2000, and section 137.073.6, RSMo Supp. 2013, the auditor's office adopts a rule as follows:

15 CSR 40-3.135 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 2, 2016 (41 MoReg 595–627). Those forms with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held June 3, 2016, and the public comment period ended on June 6, 2016. At the public hearing the State Auditor's Office explained the proposed rule and no individuals commented on the rules. The State Auditor's Office received one (1) comment from the auditor's office staff.

COMMENT #1: The State Auditor's Office identified formatting, typographical, and scrivener errors on forms A, B, and C.

RESPONSE AND EXPLANATION OF CHANGE: The forms have been changed to correct these formatting, typographical, and scrivener errors.

15 CSR 40-3.135 Calculation and Revision of Property Tax Rates by Political Subdivisions Other Than School Districts



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Summary

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

The information to complete the Tax Rate Summary is available from prior year forms, computed on the attached forms, or computed on this page.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use
in Calculating
its Tax Rate

- A. **Prior Year Tax Rate Ceiling** as defined in Chapter 137 RSMo. Revised if the Prior Year Data Changed or a Voluntary Reduction was taken in a Non-Reassessment Year. (Prior Year Tax Rate Summary, Line F minus Line H in Odd Numbered Year) (Prior Year Tax Rate Summary, Line F in Even Numbered Year)
- B. **Current Year Rate Computed** Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073, RSMo. If no Voter Approved Increase (Tax Rate Form A, Line 18)
- C. **Amount of Rate Increase Authorized by Voters for Current Year** (If Same Purpose)
Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior assessment & increased by the CPI %. (Tax Rate Form B, Line 15)
- D. **Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling**
[Line B (if no election), Otherwise Line C (if there was an election)]
- E. **Maximum Authorized Levy** Enter the Most Recent Voter Approved Rate
- F. **Current Year Tax Rate Ceiling** (Lower of Line D or E)
Maximum Legal Rate to Comply with Missouri Laws
- G1. **Less Required Sales Tax Reduction** taken from Tax Rate Ceiling (Line F), If Applicable
- G2. **Less 20% Required Reduction 1st Class Charter County Political Subdivision NOT Submitting an Estimate Non-Binding Tax Rate to the County(ies)** taken from Tax Rate Ceiling (Line F).
- H. **Less Voluntary Reduction By Political Subdivision** taken from the Tax Rate Ceiling (Line F).
WARNING: A VOLUNTARY REDUCTION TAKEN IN AN EVEN NUMBERED YEAR WILL LOWER THE TAX RATE CEILING FOR THE FOLLOWING YEAR
- I. **Plus Allowable Recoupment Rate** added to Tax Rate Ceiling (Line F), If Applicable (Attach Form G or H)
- J. **Tax Rate To Be Levied** (Line F - Line G1 - Line G2 - Line H + Line I)
- AA. **Rate To Be Levied For Debt Service** If Applicable (Tax Rate Form C, Line 10)
- BB. **Additional Special Purpose Rate Authorized By Voters** After the Prior Year Tax Rates were Set. Greater of the Voter Approved Increase or Voter Approved Increase Adjusted to provide the revenue available if applied to prior assessment & increased by CPI %. (Tax Rate Form B, Line 15 if Different Purpose)

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (Political Subdivision)
levying a rate in _____ County (ies) do hereby certify that the data set forth above and on the
accompanying forms is true and accurate to the best knowledge and belief.

Please complete Line G through BB, sign this form, and return to the County Clerk(s) for final certification.

_____ (Date)	_____ (Signature)	_____ (Print Name)	_____ (Telephone)
-----------------	----------------------	-----------------------	----------------------

Proposed rate to be entered on tax books by County Clerk

Based on Certification from the Political Subdivision: Lines J _____ AA _____ BB _____

Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of this section.

_____ (Date)	_____ (County Clerk's Signature)	_____ (County)	_____ (Telephone)
-----------------	-------------------------------------	-------------------	----------------------



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form A

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

1. (20__) Current Year Assessed Valuation

Include the current state and locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

(a) _____	+	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

2. Assessed Valuation of New Construction and Improvements

2(a) - Obtained from the County Clerk or County Assessor

2(b) - Increase in Personal Property. Use the formula listed under Line 2(b).

(a) _____	-	(b) _____	=	_____
(Real Estate)		Line 1(b) - 3(b) - 5(b) + 6(b) + 7(b)		(Total)
		If Line 2b is Negative, Enter Zero		

3. Assessed Value of Newly Added Territory

Obtained from the County Clerk or County Assessor.

(a) _____	+	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

4. Adjusted Current Year Assessed Valuation

[Line 1 (Total) - Line 2 (Total) - Line 3 (Total)]

5. (20__) Prior Year Assessed Valuation

Include prior year locally assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

Note: If this is different than the amount on the Prior Year Form A, Line 1, then revise the Prior Year tax rate form to re-calculate the Prior Year Tax Rate Ceiling. Enter the revised Prior Year Tax Rate Ceiling on this year's Tax Rate Summary, Line A.

(a) _____	+	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

6. Assessed Value of Newly Separated Territory

Obtained from the County Clerk or County Assessor.

(a) _____	+	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

7. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year

Obtained from the County Clerk or County Assessor.

(a) _____	+	(b) _____	=	_____
(Real Estate)		(Personal Property)		(Total)

8. Adjusted Prior Year Assessed Valuation

[Line 5 (Total) - Line 6 (Total) - Line 7 (Total)]



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form A

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its Tax
Rate

9. **Percentage Increase in Adjusted Valuation** of existing property in the current year over the prior year's assessed valuation.

$[(\text{Line 4} - \text{Line 8}) / \text{Line 8}] \times 100$

%

10. **Increase in Consumer Price Index**
as Certified by the State Tax Commission.

%

11. **Adjusted Prior Year Assessed Valuation**
(Line 8)

12. **(20__) Tax Rate Ceiling From Prior Year**

(Tax Rate Summary, Line A)

13. **Maximum Prior Year Adjusted Revenue**
from property that existed in both years $[(\text{Line 11} \times \text{Line 12}) / 100]$

14. **Permitted Reassessment Revenue Growth**

The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10) or 5%.

A negative figure on Line 9 is treated as a zero for Line 14 purposes.
Do not enter less than 0, nor more than 5%.

%

15. **Additional Reassessment Revenue Permitted**
(Line 13 x Line 14)

16. **Total Revenue Permitted in Current Year ***
from property that existed in both years (Line 13 + Line 15)

17. **Adjusted Current Year Assessed Valuation**
(Line 4)

18. **Maximum Tax Rate Permitted by Article X, Section 22 and
Section 137.073 RSMo.** $[(\text{Line 16} / \text{Line 17}) \times 100]$
Round a fraction to the nearest one/one hundredth of a cent.
Enter this rate on the Tax Rate Summary, Line B.

* To compute the total property tax revenues BILLED for the current year (including revenues from all new construction and improvements and annexed property), multiply Line 1 by the rate on Line 18 and divide by 100. The property tax revenues BILLED would be used in estimating budgeted revenues.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Recent voter approved tax rate or tax rate increase/decrease.

Since the prior year tax rate computation, some political subdivisions may have held elections where the voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. Date of Election

2. Ballot Language

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

Ballot_Lang

3. Election Results

(Yes)

(No)

4. Expiration Date (If no sunset clause in ballot, leave blank)

Enter the last year the levy will be in effect, if applicable.

5. Amount of Increase Approved by Voters

(An "Increase/Decrease of" or an "Increase/Decrease by")

OR

(a)

Stated Rate Approved by Voters

(An "Increase/Decrease to")

(b)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

For Political
Subdivision Use in
Calculating its
Tax Rate

6. **Prior Year Tax Rate Ceiling or Voluntarily Reduced Rate to Apply Voter Approved Increase to.**
(Tax Rate Summary, Line A if Increase to an Existing Rate, Otherwise 0)
7. **Voter Approved Increased Tax Rate to Adjust**
(If an "Increase of" ballot, Line 5a + Line 6. If an "Increase to" ballot, Line 5b)
8. **Adjusted Prior Year Assessed Valuation**
(Tax Rate Form A, Line 8)
9. **Maximum Prior Year Adjusted Revenue**
from property that existed in both years
(Line 7 x Line 8 / 100)
10. **Consumer Price Index (CPI)**
as Certified by the State Tax Commission
11. **Permitted Revenue Growth for CPI**
(Line 9 x Line 10)
12. **Total Revenue Allowed from the Additional Voter Approved Increase**
from property that existed in both years
(Line 9 + Line 11)
13. **Adjusted Current Year Assessed Valuation**
(Form A, Line 4)
14. **Adjusted Voter Approved Increased Tax Rate**
This rate will allow the same revenue as applying the Voter Approved Rate (Line 7)
to the Prior Year Assessed Value (Line 8) Increased by the CPI (Line 10).
(Line 12 / Line 13 x 100)
15. **Amount of Rate Increase Authorized by Voters for the Current Year**
House Bill No. 506, passed in 2011, allows taxing authorities that passed a voter approved increase after August 27, 2008 to levy a rate that is the greater of the increase approved by voters (Line 7) or the adjusted voter approved increase (Line 14) in order to generate substantially the same revenue that would have been generated by applying the voter approved increase to the total assessed valuation at the time of the voter approval increased by the consumer price index (Line 10). Enter this Rate Computed on the Tax Rate Summary, Line C if increasing an existing levy, Otherwise, on the Tax Rate Summary, Line B3 if this is new or a temporary rate increase.
(If Line 7 > Line 14, then Line 7, Otherwise Line 14)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form C

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

		<u>Debt Service</u>
Name of Political Subdivision	Political Subdivision Code	Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes.

The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments.

Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.

1. **Total current year assessed valuation** obtained from the County Clerk or Assessor.
(Tax Rate Form A, Line 1 Total) _____
 2. **Amount required to pay debt service requirements during the next calendar year**
(i.e. Assuming the current year is Year 1, use January - December (Year 2) payments to complete the (Year 1) Form C). Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agent or paying agent due during the next calendar year. _____
 3. **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.**
Experience in prior years is the best guide for estimating un-collectible taxes.
(Usually 2% to 10% of Line 2 above) _____
 4. **Reasonable reserve up to one year's payments**
(i.e. Assuming the current year is Year 1, use January - December (Year 3) payments to complete the (Year 1) Form C). It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds.
Include payments for the year following the next calendar year accounted for on Line 2. _____
 5. **Total required for debt service**
(Line 2 + Line 3 + Line 4) _____
 6. **Anticipated balance at end of current calendar year.**
Show the anticipated bank or fund balance at December 31st of this year (this will equal the current balance minus the amount of any principal or interest due before December 31st plus any estimated investment earning Due before December 31st). Do not add the anticipated collections of this tax into this amount. _____
 7. **Property tax revenue required for debt service (Line 5 - Line 6)**
Line 6 is subtracted from Line 5 because the debt service fund is only allowed to have the payments required for the next calendar year (Line 2) and the reasonable reserve of the following year's payment (Line 4). Any current balance in the fund is already available to meet these requirements so it is deducted from the total revenues required for Debt Service Purposes. _____
 8. **Computation of debt service tax rate** [(Line 7 / Line 1) x 100]
Round a fraction to the nearest one/one hundredth of a cent. _____
 9. **Less Voluntary Reduction By Political Subdivision** _____
 10. **Actual rate to be levied for debt service purposes * (Line 8 - Line 9)**
Enter this rate on Line AA of the Tax Rate Summary. _____
- * The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements. _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data

For Political Subdivisions Other Than School Districts Levying a Single Rate on All Property

Name of Political Subdivision	Political Subdivision Code	Purpose of Levy
<p>This page shows the information that would have been on the line items for the Summary, Form A, and/or Form B had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.</p> <p>Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.</p> <p>Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review</p>		
<p>Based on Prior Year Tax Rate Ceiling as if No Voluntary Reductions were Taken</p>		
<p>Informational Tax Rate Summary Information</p> <p>A. Prior Year Tax Rate Ceiling (Prior Year Informational Tax Rate Data, Line F) _____</p> <p>B. Current Year Rate Computed (Informational Tax Rate Form A, Line 18 below) _____</p> <p>C. Amount of Increase Authorized by Voters for Current Year (Informational Tax Rate Form B, Line 15 below) _____</p> <p>D. Rate to Compare to Maximum Authorized Levy [Line B (if no election), Otherwise Line C (if there was an election)] _____</p> <p>E. Maximum Authorized Levy (Most Recent Voter Approved Rate) _____</p> <p>F. Tax Rate Ceiling if No Voluntary Reductions were Taken in a Prior Even Numbered Year (Lower of Line D or E) _____</p>		
<p>Informational Tax Rate Form A, Page 2 Information</p> <p>9. Percentage Increase in Adjusted Valuation [(Tax Rate Form A, Line 4 - Line 8) / Line 8 x 100] _____</p> <p>10. Increase in Consumer Price Index as Certified by the State Tax Commission. _____</p> <p>11. Adjusted Prior Year Assessed Valuation (Tax Rate Form A, Line 8) _____</p> <p>12. (20__) Tax Rate Ceiling From Prior Year (Informational Tax Rate Summary, Line A from above) _____</p> <p>13. Maximum Prior Year Adjusted Revenue from property that existed in both years. [(Line 11 x Line 12) / 100] _____</p> <p>14. Permitted Reassessment Revenue Growth The percentage entered on Line 14 should be the lower of the actual growth (Line 9), the CPI (Line 10), or 5%. A negative figure on Line 9 is treated as a zero for Line 14 purposes. Do not enter less than 0, nor more than 5%. _____</p> <p>15. Additional Reassessment Revenue Permitted (Line 13 x Line 14) _____</p> <p>16. Total Revenue Permitted in Current Year from property that existed in both years. (Line 13 + Line 15) _____</p> <p>17. Adjusted Current Year Assessed Valuation (Form A, Line 4) _____</p> <p>18. Maximum Tax Rate Permitted by Article X, Section 22 and Section 137.073 RSMo. If No Voluntary Reduction was Taken [(Line 16 / Line 17) x 100] _____</p>		
<p>Informational Tax Rate Form B, Page 2 Information</p> <p>6. Prior Year Tax Rate Ceiling to Apply Voter Approved Increase to. (Informational Tax Rate Summary, Line A if Increase to an Existing Rate, Otherwise 0) _____</p> <p>7. Voter Approved Increased Tax Rate to Adjust (If an "Increase of" ballot, Tax Rate Form B, Line 5a - Line 6. If an "Increase to" ballot, Tax Rate Form B, Line 5b) _____</p> <p>8. Adjusted Prior Year Assessed Valuation (Tax Rate Form A, Line 8) _____</p> <p>9. Maximum Prior Year Adjusted Revenue from property that existed in both years. (Line 7 x Line 8 / 100) _____</p> <p>10. Consumer Price Index (CPI) as Certified by the State Tax Commission. _____</p> <p>11. Permitted Revenue Growth for CPI (Line 9 x Line 10) _____</p> <p>12. Total Revenue Allowed from the Additional Voter Approved Increase from property that existed in both years. (Line 9 - Line 11) _____</p> <p>13. Adjusted Current Year Assessed Valuation (Tax Rate Form A, Line 4) _____</p> <p>14. Adjusted Voter Approved Increased Tax Rate (Line 12 / Line 13 x 100) _____</p> <p>15. Amount of Rate Increase Authorized by Voters for the Current Year (If Line 7 > Line 14, then Line 7, Otherwise, Line 14) _____</p>		



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Summary

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

The information to complete the Tax Rate Summary is available from prior year forms, computed on the attached forms, or computed on this page.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	Real Estate	Personal	Prior Method
	Residential	Agriculture	Commercial
		Property	Single Rate
A. Prior Year Tax Rate Ceiling as defined in Chapter 137, RSMo. Revised if Prior Year Data Changed or a Voluntary Reduction was Taken in a Non-Reassessment Year. (Prior Year Tax Rate Summary, Line F minus Line H in Odd Numbered Year) (Prior year Tax Rate Summary, Line F in Even Numbered Year)			
B. Current Year Rate Computed Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073 RSMo. <u>If no Voter Approved Increase.</u> (Tax Rate Form A, Line 37 & Line 23 (Prior Method))			
C. Amount of Rate Increase Authorized by Voters for Current Year (If Same Purpose) Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI. (Tax Rate Form B, Line 15)			
D. Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling (Line B (if no election) otherwise Line C)			
E. Maximum Authorized Levy Enter the Most Recent Voter Approved Rate			
F. Current Year Tax Rate Ceiling Maximum Legal Rate to Comply with Missouri Laws Political Subdivision's Tax Rate (Lower of Line D or Line E)			
G. 1. Less Required Sales Tax Reduction taken from Tax Rate Ceiling (Line F) If Applicable			
G. 2. Less 20% Required Reduction 1st Class Charter County Political Subdivision NOT Submitting an Estimate Non-Binding Tax Rate to the County(ies) taken from Tax Rate Ceiling (Line F).			
H. Less Voluntary Reduction By Political Subdivision taken from Tax Rate Ceiling (Line F). WARNING: A Voluntary Reduction taken in an Even-Numbered Year Will Lower the Tax Rate Ceiling for the Following Year			
I. Plus Allowable Recoupment Rate added to Tax Rate Ceiling (Line F) If Applicable (Attach Form G or H)			
J. Tax Rate To Be Levied (Line F - Line G1 - Line G2 - Line H + Line I)			
AA. Rate to be Levied For Debt Service If Applicable (Tax Rate Form C, Line 10)			
BB. Additional Special Purposed Rate Authorized By Voters After the Prior Year Tax Rates were Set. (Tax Rate Form B, Line 15 if a Different Purpose) Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI			

CERTIFICATION

I, the undersigned, _____ (Office) of _____ (Political Subdivision) levying a rate in _____ (County or Counties) do hereby certify that the data set forth above and on the accompanying forms is true and accurate to the best of my knowledge and belief.

Please complete Line G through BB, sign this form, and return to the County Clerk(s) for final certification.

(Date)	(Signature)	(Print Name)	(Telephone)
Proposed rate to be entered on tax books by County Clerk Based on Certification from the Political Subdivision: Section 137.073.7 RSMo, states that no tax rate shall be extended on the tax rolls by the county clerk unless the political subdivision has complied with the foregoing provisions of the section.			
		Lines: J	
		AA	
		BB	
(Date)	(County Clerk's Signature)	(County)	(Telephone)

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Tax Rate Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered years. If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	(a)	(b)	(c)	(d)	Total	(Prior Method) Single Rate Calculation
	Residential	Real Estate Agricultural	Commercial	Personal Property		
1. (20__) Current Year Assessed Valuation Include the current locally and state assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.						
2. Assessed Valuation of New Construction & Improvements 2(a) (b) & (c) - May be obtained from the County Clerk or County Assessor 2(d) - [Line 1(d) - 3(d) - 6(d) + 7(d) + 8(d)] If negative, enter zero.						
3. Assessed Value of Newly Added Territory Obtained from the County Clerk or County Assessor						
4. Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Added to a New Subclass in the Current Year Obtained from the County Clerk or County Assessor						
5. Adjusted Current Year Assessed Valuation (Line 1 - Line 2 - Line 3 - Line 4)						
6. (20__) Prior Year Assessed Valuation Include the prior year locally and state assessed valuation obtained from the County Clerk, County Assessor or comparable office finalized by the local board of equalization. Note: If this is different than the amount on the Prior Year Tax Rate Form A, Line 1 then revise the Prior Year tax rate form to re-calculate the Prior Year tax rate ceiling. Enter the revised Prior Year tax rate ceiling on the Current Year's Tax Rate Summary, Line A.						
7. Assessed Value in Newly Separated Territory Obtained from the County Clerk or County Assessor						
8. Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year Obtained from the County Clerk or County Assessor						
9. Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Subtracted from the Previously Reported Subclass Obtained from the County Clerk or County Assessor						
10. Adjusted Prior Year Assessed Valuation (Line 6 - Line 7 - Line 8 - Line 9)						

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Tax Rate Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 5 - Line 10) / Line 10] x 100						
12. Increase in Consumer Price Index (certified by the State Tax Commission)						
13. Adjusted Prior Year Assessed Valuation (Line 10)						
14. Prior Year Voluntarily Reduced Rate in Non-Reassessment Year (Tax Rate Summary, Line A)						
15. Maximum Prior Year Adjusted Revenue Permitted from property that existed in both years [(Line 13 x Line 14) / 100]						
16. Permitted Reassessment Revenue Growth Enter the lesser of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%. Do not enter less than 0%, nor more than 5%.						
17. Additional Reassessment Revenue Permitted (Line 15 x Line 16)						
18. Revenue Permitted in the Current Year from property that existed in both years (Line 15 + Line 17)						
19. Adjusted Current Year Assessed Valuation (Line 5)						
20. Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to HB 1150 & SB960 (Line 18 / Line 19 x 100)						
21. Limit Personal Property to the Prior Year Ceiling [Lower of Line 20 (Personal Property) or Line 14 (Personal Property)]						
22. Maximum Authorized Levy Enter the Most Recent Voter Approved Rate (Tax Rate Summary, Line E)						
23. Limit to the Prior Year Maximum Authorized Levy [Lower of Line 20, Line 21 (for Personal Property only), or Line 22]						
Enter the Rate for the Prior Method Column on Line B of the Tax Rate Summary Page						

(Form Revised 03-2016)

Tax Rate Form A, Page 2 of 4

PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED**Tax Rate Form A**

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____

Political Subdivision Code _____

Purpose of Levy _____

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

(a)			(b)	(c)	(d)	(e)
Residential	Agricultural	Commercial	Real Estate	Personal Property	Total	(Prior Method) Single Rate Calculation

For Informational Purposes Only - Impact of the Multi Rate System

38. Revenue Calculated the Multi Rate Method
[Line 37 x Line 1 / 100] _____
39. Revenue Calculated Using the Single Rate Method
[Line 23 (Prior Method) x Line 1 / 100] _____
40. Revenue Differences Using the Different Methods
(Line 38 - Line 39) _____
41. Percent Change (Line 40 / Line 39) _____

For Informational Purposes Only - Blended Rate Calculation

42. Tax Rate Ceiling (Tax Rate Summary, Line F) _____
43. Allowable Recoupment Rate
(Tax Rate Summary, Line F2) _____
44. Tax Rate Ceiling Including Recoupment
(Line 42 - Line 43) _____
45. Assessed Valuation (Line 1) _____
46. Revenue from Tax Rate Ceiling Including Recoupment
[(Line 44 x Line 45) / 100] _____
47. Blended Tax Rate Ceiling Including Recoupment [Line 46 (Total) / Line 45 (Total) x 100] _____
48. Voluntary Reduction (Tax Rate Summary, Line H) _____
49. Unadjusted Levy (Line 44 - Line 48) _____
50. Assessed Valuation (Line 1) _____
51. Revenue from Unadjusted Levy [Line 49 x Line 50 / 100] _____
52. Blended Tax Rate from the Unadjusted Levy [Line 51 (Total) / Line 50 (Total) x 100] _____
53. Sales Tax Reduction (Tax Rate Summary, Line G) _____
54. Adjusted Levy (Line 49 - Line 53) _____
55. Assessed Valuation (Line 1) _____
56. Revenue from Adjusted Levy [Line 54 x Line 55 / 100] _____
57. Blended Tax Rate from the Adjusted Levy [Line 56 (Total) / Line 55 (Total) x 100] _____

(Form Revised 03-2016)

Tax Rate Form A, Page 4 of 4



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of Election**

2. **Ballot Language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election Results**

(YES)

(NO)

4. **Expiration Date**

Enter the last year the levy will be in effect, if applicable.

5. **Amount of Increase Approved by Voters** (if this is an increase to an existing rate).

(An "Increase of" or an "Increase by")

OR

a. _____

Stated Rate Approved by Voters (if this is an existing rate).

(An "Increase to")

b. _____



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form B

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Information on this page takes into consideration any voluntary reduction(s) taken in previous even numbered year(s). If in an even numbered year, the political subdivision wishes to no longer use the lowered tax rate ceiling to calculate its tax rate, it can hold a public hearing and pass a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate. The information on the Informational Tax Rate Data Summary at the end of these forms provides the rate that would be allowed had there been no previous voluntary reduction(s) taken in an even numbered year(s).

Real Estate

Residential

Agricultural

Commercial

Personal Property

Prior Method

6. Prior Year Tax Rate Ceiling or Voluntarily Reduced Rate to Apply Voter Approved Increase to.

Tax Rate Summary, Line A

if Increase to an Existing Rate, Otherwise 0.

7. Voter Approved Increased Tax Rate to Adjust

If Line 5a > 0, then Line 5a + Line 6b,
otherwise, Line 5b.

8. Adjusted Prior Year Assessed Valuation

(Form A, Line 10)

9. Maximum Prior Year Adjusted Revenue

from Property that existed in both years

Line 7 x Line 8 / 100

10. Consumer Price Index (CPI)

as Certified by the State Tax Commission

11. Permitted Revenue Growth for CPI

(Line 9 x Line 10)

12. Total Revenue Allowed from the Additional Voter Approved Increase

from property that existed in both years

(Line 9 + Line 11)

13. Adjusted Current Year Assessed Valuation

(Form A, Line 5)

14. Adjusted Voter Approved Increased Tax Rate

This rate will allow the same revenue as
applying the Voter Approved Rate (Line 7)
to the Prior year Assessed Value (Line 8)
Increased by the CPI
(Line 12 / Line 13 x 100)

15. Amount of Rate Increase Authorized by Voters for the Current Year

House Bill No. 506, passed in 2011 allows taxing authorities
that passed a voter approved increase after August 27, 2008 to
levy a rate that is the greater of the increase approved by voters
(Line 7) or the adjusted voter approved increase (Line 14) in
order to generate substantially the same revenue that would
have been generated by applying the voter approved increase to
the total assessed valuation at the time of the voter approval
increased by the consumer price index (Line 10).Enter this Rate Computed on the Tax Rate Summary, Line C if
increasing an existing levy. Otherwise, on the Tax Rate
Summary, Line BB if this is a new rate or a temporary rate
increase.(If Line 7 > Line 14, Then Line 7,
Otherwise, Line 14)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Tax Rate Form C

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision	Political Subdivision Code	Debt Service Purpose of Levy
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The final version of this form MUST be sent to the County Clerk.

Debt Service Calculation for General Obligation Bonds Paid for with Property Taxes.

The tax rate for Debt Service will be considered valid if, after making the payment(s) for which the tax was levied, the bonds remain outstanding, and the debt fund reserves do not exceed the following year's payments. Since the property taxes are levied and collected on a calendar year basis (January - December), it is recommended that this levy be computed using calendar year data.

1. **Total current year assessed valuation** obtained from the County Clerk or County Assessor.
(Tax Rate Form A, Line 1 Total) _____
2. **Amount required to pay debt service requirements during the next calendar year**
(i.e. Assuming the current year is Year 1, use January - December (Year 2) payments to complete the (Year 1) Form C). Include the principal and interest payments due on outstanding general obligation bond issues plus anticipated fees of any transfer agency or paying agent due during the next calendar year. _____
3. **Estimated costs of collection (collector fees and commissions and Assessment Fund withholdings) and anticipated delinquencies.** Experience in prior years is the best guide for estimating un-collectible taxes. (Usually 2% to 10% of Line 2 above) _____
4. **Reasonable reserve up to one year's payment**
(i.e. Assuming the current year is Year 1, use January - December (Year 3) payments to complete the (Year 1) Form C). It is important that the Debt Service Fund have sufficient reserves to prevent any default on the bonds. Include payments for the year following the next calendar year accounted for on Line 2. _____
5. **Total required for debt service (Line 2 + Line 3 + Line 4)** _____
6. **Anticipated balance at end of current calendar year.**
Show the anticipated bank or fund balance at December 31st of this year (this will equal the current balance minus the amount of any principal or interest payments due before December 31st plus any estimated investment earnings due before December 31st). Do not add the anticipated collections of this tax into this amount. _____
7. **Property tax revenue required for debt service (Line 5 - Line 6)**
Line 6 is subtracted from Line 5 because the debt service fund is only allowed to have the payments required for the next calendar year (Line 2) and the reasonable reserve of the following year's payments (Line 4). Any current balance in the fund is available to meet these requirements, so it is deducted from the total revenues required for Debt Service purposes. _____
8. **Computation of debt service tax rate** [(Line 7 / Line 1) x 100]
If [(Line 7 / Line 1) x 100] < 1, then round to a 3-digit rate, otherwise round to a 4-digit rate. _____
9. **Less Voluntary Reduction By Political Subdivision** _____
10. **Actual rate to be levied for debt service purposes * (Line 8 - Line 9)**
Enter this rate on the Tax Rate Summary, Line AA. _____

* The tax rate levied may be lower than the rate computed as long as adequate funds are available to service the debt requirements.



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data Summary

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision _____

Political Subdivision Code _____

Purpose of Levy _____

This page shows the information that would have been on the line items for the Summary had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.

Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

	Real Estate			Personal	Prior Method
	Residential	Agriculture	Commercial	Property	Single Rate

A. **Prior Year Tax Rate Ceiling** as defined in Chapter 137, RSMo. Revised if Prior Year Data Changed or a Voluntary Reduction was Taken in a Non-Reassessment Year.

(Prior Year Informational Tax Rate Data Summary, Line F)

B. **Current Year Rate Computed** Pursuant to Article X, Section 22 of the Missouri Constitution and Section 137.073 RSMo. If no Voter Approved Increase.

[Informational Tax Rate Data Form A, Line 37 & Line 23 (Prior Method)]

C. **Amount of Rate Increase Authorized by Voters for Current Year** (If Same Purpose)

Adjusted to provide the revenue available if applied to the prior year assessed value and increased by the percentage of CPI.

(Informational Tax Rate Data Form B, Line 16)

D. **Rate to Compare to Maximum Authorized Levy to Determine Tax Rate Ceiling**

[Line B (if no election) otherwise Line C]

E. **Maximum Authorized Levy** Enter the Most Recent Voter Approved Rate

Based on the Prior Year Tax Rate Ceiling

F. **Current Year Tax Rate Ceiling** Maximum Legal Rate to Comply with Missouri Laws

Based on Prior Year Tax Rate Ceiling (Lower of Line D or Line E)

PRO FORM A - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year:
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review.

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
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1. **(20__) Current Year Assessed Valuation**

Include the current locally and state assessed valuation obtained from the County Clerk, County Assessor, or comparable office finalized by the local board of equalization.

2. **Assessed Valuation of New Construction & Improvements**

2(a) (b) & (c) - Obtained from the County Clerk or County Assessor
2(d) - [Line 1(d) - 3(d) - 6(d) + 7(d) - 8(d)]
If negative, enter zero.

3. **Assessed Value of Newly Added Territory**

Obtained from the County Clerk or County Assessor

4. **Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Added to a New Subclass in the Current Year**

Obtained from the County Clerk or County Assessor

5. **Adjusted Current Year Assessed Valuation**

(Line 1 - Line 2 - Line 3 - Line 4)

6. **(20__) Prior Year Assessed Valuation**

Include the prior year locally and state assessed valuation obtained from the County Clerk, County Assessor or comparable office finalized by the local board of equalization.

Note: If this is different than the amount on the Prior Year Tax Rate Form A, Line 1 then revise the Prior Year tax rate form to re-calculate the Prior Year tax rate ceiling. Enter the revised Prior Year tax rate ceiling on the Current Year's Tax Rate Summary, Line A.

7. **Assessed Value in Newly Separated Territory**

Obtained from the County Clerk or County Assessor

8. **Assessed Value of Property Locally Assessed in Prior Year, but State Assessed in Current Year**

Obtained from the County Clerk or County Assessor

9. **Assessed Value of Real Property that Changed Subclass from the Prior Year and Was Subtracted from the Previously Reported Subclass**

Obtained from the County Clerk or County Assessor

10. **Adjusted Prior Year Assessed Valuation**

(Line 6 - Line 7 - Line 8 - Line 9)



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review.

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
11. Percentage Increase in Adjusted Valuation of existing property in the current year over the prior year's assessed valuation [(Line 5 - Line 10) / Line 10] x 100						
12. Increase in Consumer Price Index Certified by the State Tax Commission						
13. Adjusted Prior Year Assessed Valuation (Line 10)						
14. (20__) Prior Year Tax Rate Ceiling (Informational Tax Rate Data Summary, Line A)						
15. Maximum Prior Year Adjusted Revenue Permitted from property that existed in both years [(Line 13 x Line 14) / 100]						
16. Permitted Reassessment Revenue Growth Enter the lower of the actual growth (Line 11), the CPI (Line 12), or 5%. If Line 11 is negative, enter 0%. Do not enter less than 0%, nor more than 5%.						
17. Additional Reassessment Revenue Permitted (Line 15 x Line 16)						
18. Revenue Permitted in the Current Year from property that existed in both years (Line 15 + Line 17)						
19. Adjusted Current Year Assessed Valuation (Line 5)						
20. Tax Rate Permitted Using Prior Method Tax Rate Permitted Prior to HB 1150 & SB960 (Line 18 / Line 19 x 100)						
21. Limit Personal Property to the Prior Year Ceiling [Lower of Line 20 (Personal Property) or Line 14 (Personal Property)]						
22. Maximum Authorized Levy Enter the Most Recent Voter Approved Rate (Informational Data Tax Rate Data Summary, Line E)						
23. Limit to the Prior Year Maximum Authorized Levy [Lower of Line 20, Line 21 (for Personal Property only), or Line 22]						
Enter the Rate for the Prior Method Column on Line B of the Informational Data Tax Rate Data Summary						

(Form Revised 03-2016)

Informational Tax Rate Data Form A, Page 2 of 4



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

Informational Tax Rate Data Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form **MUST** be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reductions(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review.

	(a) Residential	(b) Real Estate Agricultural	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
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Calculate Revised Rate(s)

24. Tax Revenue [(Line 1 x Line 23) / 100]

25. Total Assessed Valuation [Line 1 (Total)]

26. Blended Rate [Line 24 (Total) / Line 25 x 100]

27. Revenue Difference due to the multi rate calculation
[Line 24 (Total) - Line 24 (Prior Method)]

28. Rate(s) to be Revised Note: Revision Can Not Increase Personal Property Rate
[(If Line 27 < 0 & Line 23 < Line 23 (Prior Method), Then Line 23. Otherwise 0)]

29. Current Year Adjusted Assessed Valuation of Rates being Revised
(If Line 28 > 0, Then Line 5; Otherwise 0)

30. Relative Ratio of Current Year Adjusted Assessed Valuation of the
Rates being Revised [Line 29 / Line 29 (Total)]

31. Revision to Rate
[If Line 28 > 0, Then -Line 30 x Line 27 / Line 5 x 100 (limited to - Line 28). Otherwise 0]

32. Revised Rate (Line 23 + Line 31)

33. Revised Rate Rounded
(If Line 32 < 1, Then Round to a 3 - digit rate, Otherwise Round to a 4 - digit rate)

Calculate Final Blended Rate

34. Tax Revenue [(Line 1 x Line 33) / 100]

35. Total Assessed Valuation [Line 1 (Total)]

36. Final Blended Rate [(Line 34 (Total) / Line 35) x 100]

37. Tax Rate(s) Permitted Calculated Pursuant to Article
X, Section 22 and Section 137.073 RSMo. (Line 33)
Enter Rate(s) on the Informational Tax Rate Data Summary, Line B



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED
Informational Tax Rate Data Form A

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

(20__)

Name of Political Subdivision _____ Political Subdivision Code _____ Purpose of Levy _____

The final version of this form MUST be sent to the County Clerk.

Computation of reassessment growth and rate for compliance with Article X, Section 22 and Section 137.073, RSMo.

This form shows the information that would have been on the line items for the Form A had no voluntary reductions(s) been taken in prior even numbered year(s). The information on this form should not be used in the current year unless the taxing authority wishes to reverse any voluntary reductions(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.
Step 1 - The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
Step 2 - Submit a copy of the resolution, policy, statement, or ordinance to the State Auditor's Office for review.

	(a) Residential	(b) Real Estate	(c) Commercial	(d) Personal Property	Total	(Prior Method) Single Rate Calculation
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For Informational Purposes Only - Impact of the Multi Rate System

38. Revenue Calculated the Multi Rate Method
[(Line 37 x Line 1) / 100] _____
39. Revenue Calculated Using the Single Rate Method
[Line 23 (Prior Method) x Line 1] / 100] _____
40. Revenue Differences Using the Different Methods
(Line 38 - Line 39) _____
41. Percent Change (Line 40 / Line 39) _____

For Informational Purposes Only - Blended Rate Calculation

42. Tax Rate Ceiling (Tax Rate Summary, Line F1) _____
43. Allowable Recoupment Rate
(Tax Rate Summary, Line I) _____
44. Tax Rate Ceiling Including Recoupment
(Line 42 + Line 43) _____
45. Assessed Valuation (Line 1) _____
46. Revenue from Tax Rate Ceiling Including Recoupment
[(Line 44 x Line 45) / 100] _____
47. Blended Tax Rate Ceiling Including Recoupment [Line 46 (Total) / Line 45 (Total) x 100] _____
48. Voluntary Reduction (Tax Rate Summary, Line H) _____
49. Unadjusted Levy (Line 44 - Line 48) _____
50. Assessed Valuation (Line 1) _____
51. Revenue from Unadjusted Levy [Line 49 x Line 50 / 100] _____
52. Blended Tax Rate from the Unadjusted Levy [Line 51 (Total) / Line 50 (Total) x 100] _____
53. Sales Tax Reduction (Tax Rate Summary, Line G) _____
54. Adjusted Levy (Line 49 - Line 53) _____
55. Assessed Valuation (Line 1) _____
56. Revenue from Adjusted Levy [Line 54 x Line 55 / 100] _____
57. Blended Tax Rate from the Adjusted Levy [Line 56 (Total) / Line 55 (Total) x 100] _____

(Form Revised 03-2016)

Informational Tax Rate Data Form A, Page 4 of 4



PRO FORMA - STATE AUDITOR'S REVIEW OF DATA SUBMITTED

(20__)

Informational Tax Rate Data Form B

For Political Subdivisions Other Than School Districts With a Separate Rate on Each SubClass of Property

Name of Political Subdivision

Political Subdivision Code

Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

Since the prior year tax rate computation, some political subdivisions may have held elections where voters approved an increase in an existing tax or approved a new tax. Form B is designed to document the election.

1. **Date of Election**

2. **Ballot Language**

Attach a sample ballot or state the proposition posed to the voters exactly as it appeared on the ballot.

3. **Election Results**

(YES)

(NO)

4. **Expiration Date**

Enter the last year the levy will be in effect, if applicable.

5. **Amount of Increase Approved by Voters** (if this is an increase to an existing rate).

(An "Increase of" or an "Increase by")

OR

a. _____

Stated Rate Approved by Voters (if this is an existing rate).

(An "Increase to")

b. _____



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Purpose of Levy

The final version of this form MUST be sent to the County Clerk.

Calculation of New Voter Approved Tax Rate or Tax Rate Increase

This form shows the information that would have been on the line items for the Form A had no voluntary reduction(s) been taken in prior even numbered year(s). The information on this page should not be used in the current year unless the taxing authority wishes to reverse any voluntary reduction(s) taken in prior even numbered year(s) and follows the following steps in an even numbered year.

- Step 1 The governing body should hold a public hearing and adopt a resolution, a policy statement, or an ordinance justifying its action prior to setting and certifying its tax rate.
- Step 2 Submit a copy of the resolution, policy statement, or ordinance to the State Auditor's Office for review

	Real Estate				
	Residential	Agricultural	Commercial	Personal Property	Prior Method
6. Prior Year Tax Rate Ceiling or Voluntarily Reduced Rate to Apply Voter Approved Increase to. Informational Tax Rate Data Summary, Line A if Increase to an Existing Rate, Otherwise 0.					
7. Voter Approved Increased Tax Rate to Adjust If Line 5a > 0, then Line 5a ÷ Line 6a, otherwise, Line 5b.					
8. Adjusted Prior Year Assessed Valuation (Informational Tax Rate Data Form A, Line 10)					
9. Maximum Prior Year Adjusted Revenue from Property that existed in both years Line 7 x Line 8 / 100					
10. Consumer Price Index (CPI) as Certified by the State Tax Commission					
11. Permitted Revenue Growth for CPI (Line 9 x Line 10)					
12. Total Revenue Allowed from the Additional Voter Approved Increase from property that existed in both years (Line 9 + Line 11)					
13. Adjusted Current Year Assessed Valuation (Form A, Line 5)					
14. Adjusted Voter Approved Increased Tax Rate This rate will allow the same revenue as applying the Voter Approved Rate (Line 7) to the Prior year Assessed Value (Line 8) Increased by the CPI (Line 12 / Line 13 x 100)					
15. Amount of Rate Increase Authorized by Voters for the Current Year House Bill No. 506, passed in 2011 allows taxing authorities that passed a voter approved increase after August 27, 2008 to levy a rate that is the greater of the increase approved by voters (Line 7) or the adjusted voter approved increase (Line 14) in order to generate substantially the same revenue that would have been generated by applying the voter approved increase to the total assessed valuation at the time of the voter approval increased by the consumer price index (Line 10). Enter this Rate Computed on the Tax Rate Summary, Line C if increasing an existing levy. Otherwise, on the Tax Rate Summary, Line BB if this is a new rate or a temporary rate increase. (If Line 7 > Line 14, Then Line 7, Otherwise, Line 14)					

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 3—Funds of Retirement System

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.020, RSMo Supp. 2013, the board of trustees hereby amends a rule of The Public School Retirement System of Missouri as follows:

16 CSR 10-3.010 Payment of Funds to the Retirement System
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 744). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Public School Retirement System of Missouri received one (1) comment on the proposed amendment.

COMMENT: The Missouri State Teachers Association provided a letter supporting the proposed amendment.

RESPONSE: No changes have been made to the proposed amendment as a result of this comment.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of Missouri
Chapter 6—The Public Education Employee Retirement System of Missouri

ORDER OF RULEMAKING

By the authority vested in the board of trustees under section 169.610, RSMo Supp. 2013, the board of trustees hereby amends a rule of The Public School Retirement System of Missouri as follows:

16 CSR 10-6.020 Source of Funds **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2016 (41 MoReg 744). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Public Education Employee Retirement System of Missouri received one (1) comment on the proposed amendment.

COMMENT: The Missouri State Teachers Association provided a letter supporting the proposed amendment.

RESPONSE: No changes have been made to the proposed amendment as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**
Division 2205—Missouri Board of Occupational Therapy
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Occupational Therapy under section 324.074, RSMo 2000, and sections 324.065 and 324.068, RSMo Supp. 2013, the board amends a rule as follows:

20 CSR 2205-1.050 Fees **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on July 1, 2016 (41 MoReg 835–838). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 340—Division of Energy
Chapter 2—Energy Loan Program**

IN ADDITION

Notification: Applications accepted between October 3, 2016 and January 13, 2017 for Energy Efficiency and Renewable Energy Loan Cycle.

The Missouri Department of Economic Development's (department) Division of Energy is making available approximately three million five hundred thousand dollars (\$3,500,000) in loan financing for qualified energy efficiency and renewable energy projects. Energy-saving investments may include projects such as insulation, lighting systems, heating and cooling systems, combined heat and power, pumps, motors, aerators, renewable energy systems, and other measures that reduce energy use and cost. Recipients repay loans with money saved on energy costs.

Eligible Energy-Using Sectors: Loan funds will be allocated to eligible energy-using sectors as follows:

- Public Schools (K–12): twenty-five percent (25%) of available funds;
- Public and Private Higher Education Institutions: twenty-five percent (25%) of available funds;
- Public and Private not-for-profit Hospitals: twenty-five percent (25%) of available funds; and
- Local Governments: twenty-five percent (25%) of available funds. Local governments include a county, city, or village (which may include water treatment plants or waste water facilities), local government/public owned airport facilities (municipal, county, regional, and international); or any hospital district as defined in section 206.010, RSMo; or any sewer district as defined in section 249.010, RSMo; or any water supply districts as defined in section 247.010, RSMo; or any ambulance district as defined in section 190.010, RSMo; or any sub-district of a zoological park and museum district as defined in section 184.352, RSMo.

Application Procedures: An application for loan funds may be submitted to the department for the purpose of financing all or a portion of the cost of implementing an energy-saving project.

Each applicant may apply for a loan not to exceed one million dollars (\$1,000,000). Loan applications will not be considered for less than ten thousand dollars (\$10,000) or with a payback score of less than six (6) months.

If funds remain after review and priority ranking of applications, the department will consider awarding loans in excess of one million dollars (\$1,000,000).

Requests for loan financing must be made using the Division of

Energy's Energy Loan Program Application Authorization Form, Fuel Use Summary Form, and Energy Conservation Measure Summary Form. Application forms and instructions are available on the department's website: <http://energyloan.mo.gov>.

The Application Authorization Form must be signed and dated by an authorized official. An authorized official is an individual with authority to obligate an eligible applicant to the terms of loan agreement and promissory note to repay loan proceeds.

A paper or electronic copy of the signed original Application Authorization Form and required documents may be submitted to the department's address below.

Applications received after January 13, 2017 will not be considered for a loan award for this 2017 supplemental cycle but may be held for consideration during subsequent application cycles.

The department may request additional information as needed to determine the feasibility of a project, the project's estimated annual energy savings, and financial risks of a loan transaction. Also, an energy conservation measure has the potential of affecting other areas within the facility or system. Applicants must have no outstanding actions for violations of applicable federal, state, or local laws, ordinances, and rules.

Interest Rates: Loan principal plus two and three quarters percent (2.75%) interest is to be repaid to the department in semi-annual payments not to exceed a ten- (10-) year repayment period. An administrative fee of one percent (1%) of loan principal will be added to the repayment amount.

Selection Criteria: Recipients of loan financing will be determined on a competitive basis. Applications will be ranked based on the project's payback score, which is determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. If all funds are not allocated in any one (1) sector after ranking payback scores, the department may allocate funds to other sectors. Loan applications will be approved or disapproved by April 17, 2017.

For More Information Contact:

Missouri Department of Economic Development
Division of Energy
Attn: Loan Program Clerk
PO Box 1766
301 W. High, Ste. 720
Jefferson City, MO 65102

Phone: 1.855.522.2796
Email: energy@ded.mo.gov
Website: <http://energyloan.mo.gov/>

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 35—Children's Division
[Chapter 20—Child Protective Services]
Chapter 31—Child Abuse**

IN ADDITION

[13 CSR 35-20.010] 13 CSR 35-31.020 Screening and Classification of Child Abuse/Neglect Hotline Reports

As a result of review and internal re-organization of its regulations, the Children's Division is transferring this regulation from Chapter 20—Child Protective Services, a chapter with no other accompanying regulations to Chapter 31—Child Abuse, the chapter that contains the Children's Division's child abuse and neglect regulations.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for October 21, 2016. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

9/7/16

#5351 HT: North Kansas City Hospital
North Kansas City (Clay County)
\$2,315,077, Replace MRI

9/9/16

#5379 RT: Aperion Care Hidden Lake
St. Louis (St. Louis County)
\$1,790,000, Renovate and Modernize ALF

#5380 DT: Lenior Woods
Columbia (Boone County)
\$19,093,228, Renovate and Modernize SNF and ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by October 13, 2016. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
PO Box 570
Jefferson City, MO 65102
For additional information contact Karla Houchins at (573) 751-6700.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND ALL CLAIMANTS AGAINST
PRATT ENTERPRISES, LLC**

The name of the limited liability company is Pratt Enterprises, LLC.

The Articles of Organization for Pratt Enterprises, LLC were filed with the Missouri Secretary of State on July 10, 2009.

On August 16, 2016, Pratt Enterprises, LLC filed a Notice of Winding Up for Limited Liability Company with the Secretary of State of Missouri.

Persons with claims against Pratt Enterprises, LLC should present them in accordance with the following procedure:

- (a) In order to file a claim with Pratt Enterprises, LLC, you must furnish the following:
 - (i) Amount of the claim
 - (ii) Basis for the claim
 - (iii) Documentation of the claim
- (b) The claim must be mailed to:
 - Sherry A. Snyder
 - Legacy Legal Group, LLC
 - 16401 Swingley Ridge Rd., Ste. 110
 - Chesterfield, MO 63017

A claim against Pratt Enterprises, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DRX-WEST MISSOURI DEVELOPMENTS, LLC**

On December 28, 2015, DRX-West Missouri Developments, LLC filed its Notice of Winding Up with the Missouri Secretary of State, effecting upon filing. Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Jeffrey J. Mauer, Manager, 1610 N. Kingshighway, Suite 301, Cape Girardeau, Missouri 63701. All claims must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against DRX- West Missouri Developments, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP FOR LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DRX-CENTRAL TEXAS DEVELOPMENTS, LLC**

On December 28, 2015, DRX-Central Texas Developments, LLC filed its Notice of Winding Up with the Missouri Secretary of State, effecting upon filing. Said company requests that all persons and organizations who have claims against it present them immediately by letter to the company c/o Jeffrey J. Mauer, Manager, 1610 N. Kingshighway, Suite 301, Cape Girardeau, Missouri 63701. All claims must include the following information:

1. The name, address and telephone number of the claimant.
2. The amount of the claim.
3. The date on which the event on which the claim is based occurred.
4. A brief description of the nature of the debt or the basis for the claim.

All claims against DRX-Central Texas Developments, LLC will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication date of the notices authorized by statute, whichever is published last.

**NOTICE OF WINDING UP AND DISSOLUTION OF LIMITED PARTNERSHIP TO ALL
CREDITORS OF AND CLAIMANTS AGAINST THE KATHLEEN M. HERMAN FAMILY
PARTNERSHIP I, L.P.**

On August 16, 2016, The Kathleen M. Herman Family Partnership I, L.P., a Missouri limited partnership (the "Partnership") filed its Cancellation of Registration of Limited Partnership with the Missouri Secretary of State. The Partnership requests that claimants against the Partnership present claims in writing to: Kenneth E. Hand, Attorney c/o Polsinelli PC, 100 S. Fourth St., Suite 1000, St. Louis, MO 63102. All claims must include (1) the name, address and telephone number of the claimant; (2) the amount claimed; (3) the basis of the claim; (4) the date on which the claim arose; and (5) documentation supporting the claim. All claims against the Partnership will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**Notice of Winding Up of Limited Liability Company
to All Creditors of and All Claimants Against
Terra Biodiesel Holding, LLC**

On August 19, 2016, Terra Biodiesel Holding, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company must be sent to: Thompson Coburn LLP, Attention: David A. Warfield, One US Bank Plaza, Suite 3200, St. Louis, Missouri 63101. Each claim must include the name, address and phone number of claimant; amount of the claim; basis for the claim; and documentation of the claim.

All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the date of publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MISSOURI SONORA RETURN, LLC**

On August 18, 2016, Missouri Sonora Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MISSOURI PREMIER GOLF RETURN, LLC**

On August 18, 2016, Missouri Premier Golf Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
COLORADO MORLEY AUSTIN RETURN, LLC**

On August 18, 2016, Colorado Morley Austin Return, LLC, a Missouri limited liability company (hereinafter the “**Company**”), filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State.

Any claims against the Company may be sent to: Douglas M. Neeb, 1111 Main Street, Suite 1600, Kansas City, Missouri, 64105. Each claim must include the following information: name, address and phone number of the claimant; amount claimed; date on which the claim arose; basis for the claim; and documentation in support of the claim

All claims against the Company will be barred unless the proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—39 (2014) and 40 (2015). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				40 MoReg 1836
1 CSR 10-17.010	Commissioner of Administration		41 MoReg 660	This Issue	
1 CSR 10-17.040	Commissioner of Administration		41 MoReg 661	This Issue	
1 CSR 10-17.050	Commissioner of Administration		41 MoReg 666	This Issue	
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		41 MoReg 667	This Issue	
1 CSR 40-1.050	Purchasing and Materials Management		41 MoReg 671	This Issue	
DEPARTMENT OF AGRICULTURE					
2 CSR 30-10.010	Animal Health	40 MoReg 1623	41 MoReg 548	41 MoReg 1104	
2 CSR 80-2.010	State Milk Board		41 MoReg 727	41 MoReg 1191	
2 CSR 80-2.020	State Milk Board		41 MoReg 727	41 MoReg 1191	
2 CSR 80-2.030	State Milk Board		41 MoReg 728	41 MoReg 1191	
2 CSR 80-2.040	State Milk Board		41 MoReg 728	41 MoReg 1191	
2 CSR 80-2.050	State Milk Board		41 MoReg 832		
2 CSR 80-2.060	State Milk Board		41 MoReg 729	41 MoReg 1191	
2 CSR 80-2.070	State Milk Board		41 MoReg 729	41 MoReg 1192	
2 CSR 80-2.080	State Milk Board		41 MoReg 731	41 MoReg 1192	
2 CSR 80-2.091	State Milk Board		41 MoReg 731	41 MoReg 1192	
2 CSR 80-2.101	State Milk Board		41 MoReg 731	41 MoReg 1192	
2 CSR 80-2.110	State Milk Board		41 MoReg 732	41 MoReg 1192	
2 CSR 80-2.121	State Milk Board		41 MoReg 732	41 MoReg 1192	
2 CSR 80-2.130	State Milk Board		41 MoReg 733	41 MoReg 1193	
2 CSR 80-2.141	State Milk Board		41 MoReg 733	41 MoReg 1193	
2 CSR 80-2.151	State Milk Board		41 MoReg 734	41 MoReg 1193	
2 CSR 80-2.161	State Milk Board		41 MoReg 734	41 MoReg 1193	
2 CSR 80-2.170	State Milk Board		41 MoReg 734	41 MoReg 1193	
2 CSR 80-2.180	State Milk Board		41 MoReg 735	41 MoReg 1193	
2 CSR 80-2.181	State Milk Board		41 MoReg 735	41 MoReg 1193	
2 CSR 80-3.060	State Milk Board		41 MoReg 736	41 MoReg 1194	
2 CSR 80-3.120	State Milk Board		41 MoReg 736	41 MoReg 1194	
2 CSR 80-3.130	State Milk Board		41 MoReg 736	41 MoReg 1194	
2 CSR 80-4.010	State Milk Board		41 MoReg 737	41 MoReg 1194	
2 CSR 80-5.010	State Milk Board		41 MoReg 548	41 MoReg 1033	
2 CSR 90-10	Weights and Measures				39 MoReg 1399 40 MoReg 1046 41 MoReg 1036
2 CSR 90-10.001	Weights and Measures		41 MoReg 939		41 MoReg 1003
2 CSR 90-10.011	Weights and Measures		41 MoReg 939		41 MoReg 1003
2 CSR 90-10.012	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.013	Weights and Measures		41 MoReg 940		41 MoReg 1003
2 CSR 90-10.014	Weights and Measures				41 MoReg 1003
2 CSR 90-10.020	Weights and Measures		41 MoReg 940		
2 CSR 90-10.040	Weights and Measures		41 MoReg 941		
2 CSR 90-10.090	Weights and Measures		41 MoReg 941R		
2 CSR 90-10.120	Weights and Measures				41 MoReg 1003
2 CSR 90-30.040	Weights and Measures	41 MoReg 1029	41 MoReg 1031		
2 CSR 100-II.010	Missouri Agricultural and Small Business Development Authority		41 MoReg 549	41 MoReg 1033	
2 CSR 100-II.020	Missouri Agricultural and Small Business Development Authority		41 MoReg 553	41 MoReg 1033	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		41 MoReg 481	41 MoReg 997	
3 CSR 10-4.111	Conservation Commission		This Issue		
3 CSR 10-5.210	Conservation Commission		This Issue		
3 CSR 10-6.505	Conservation Commission		This Issue		
3 CSR 10-6.530	Conservation Commission		This Issue		
3 CSR 10-7.410	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.433	Conservation Commission		41 MoReg 488	41 MoReg 997	
3 CSR 10-7.455	Conservation Commission		41 MoReg 488	41 MoReg 998	
3 CSR 10-9.110	Conservation Commission		This Issue		
3 CSR 10-9.440	Conservation Commission		This Issue		
3 CSR 10-10.727	Conservation Commission		This Issue		
3 CSR 10-11.110	Conservation Commission		41 MoReg 489	41 MoReg 998	
3 CSR 10-11.115	Conservation Commission		This Issue		
3 CSR 10-11.180	Conservation Commission		41 MoReg 489	41 MoReg 1000	
3 CSR 10-11.185	Conservation Commission		This Issue		
3 CSR 10-11.205	Conservation Commission		This Issue		
3 CSR 10-11.215	Conservation Commission		This Issue		
3 CSR 10-12.101	Conservation Commission		41 MoReg 489	41 MoReg 1001	
3 CSR 10-12.110	Conservation Commission		This Issue		
3 CSR 10-12.115	Conservation Commission		This Issue		
3 CSR 10-12.125	Conservation Commission		41 MoReg 489	41 MoReg 1001	
3 CSR 10-12.140	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.145	Conservation Commission		N.A.	This Issue	
3 CSR 10-12.145	Conservation Commission		N.A.	This Issue	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 240-3.105	DEPARTMENT OF ECONOMIC DEVELOPMENT Public Service Commission		41 MoReg 305	41 MoReg 1104W	
4 CSR 340-2	Division of Energy				This Issue
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 20-100.110	Division of Learning Services		41 MoReg 443	41 MoReg 1104	
5 CSR 20-100.120	Division of Learning Services		41 MoReg 443	41 MoReg 1105	
5 CSR 20-200.110	Division of Learning Services		41 MoReg 832R		
5 CSR 20-200.120	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.130	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.140	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.150	Division of Learning Services		41 MoReg 833R		
5 CSR 20-200.220	Division of Learning Services		41 MoReg 834R		
5 CSR 20-200.270	Division of Learning Services		41 MoReg 834R		
5 CSR 20-400.380	Division of Learning Services		41 MoReg 941		
5 CSR 30-680.050	Division of Financial and Administrative Services		41 MoReg 737		
5 CSR 100-200.035	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738	This Issue	
5 CSR 100-200.040	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 738	This Issue	
5 CSR 100-200.047	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739	This Issue	
5 CSR 100-200.050	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739	This Issue	
5 CSR 100-200.060	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 739	This Issue	
5 CSR 100-200.070	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740	This Issue	
5 CSR 100-200.095	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740	This Issue	
5 CSR 100-200.130	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 740	This Issue	
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing		41 MoReg 741	This Issue	
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.080	Commissioner of Higher Education		41 MoReg 885		
6 CSR 10-2.100	Commissioner of Higher Education		41 MoReg 886		
6 CSR 10-2.120	Commissioner of Higher Education		41 MoReg 887		
6 CSR 10-2.130	Commissioner of Higher Education		41 MoReg 888R		
6 CSR 10-2.140	Commissioner of Higher Education		41 MoReg 888		
6 CSR 10-2.150	Commissioner of Higher Education		41 MoReg 889		
6 CSR 10-2.160	Commissioner of Higher Education		41 MoReg 890		
6 CSR 10-2.170	Commissioner of Higher Education		41 MoReg 891		
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13 CSR 70-15.010	Inpatient Hospital Services Reimbursement Plan: Outpatient Hospital Reimbursement Methodology	41 MoReg 935	July 1, 2016Dec. 27, 2016
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16-07	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated as a result of storms that began on May 25, 2016. This order shall terminate on June 26, 2016, unless extended.	May 27, 2016	41 MoReg 830
16-06	Declares that the next Missouri Poet Laureate will be named in June 2016 and directs that a Missouri Poet Laureate be named biennially to serve for two years at the pleasure of the governor. The order also includes qualifications and responsibilities for the post. Additionally the Missouri Poet Laureate Advisory Committee is hereby established.	May 27, 2016	41 MoReg 828
16-05	Directs the Department of Public Safety, with guidance from the Missouri Veteran's Commission and the Adjutant General of the State of Missouri, to coordinate events with the World War I Centennial Commission that recognize and remember efforts and sacrifices of all Americans during World War I.	May 27, 2016	41 MoReg 826
16-04	Orders all departments, agencies and boards, and commissions, in the Executive Branch subject to the authority of the governor to take all necessary action to amend initial employment applications by removing questions related to an individual's criminal history unless a criminal history would render an applicant ineligible for the position.	April 11, 2016	41 MoReg 658
16-03	Extends Executive Orders 15-10, 15-11, and 16-02 until February 22, 2016, due to severe weather that began on December 22, 2015.	Jan. 22, 2016	41 MoReg 299
16-02	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on December 22, 2015.	Jan. 6, 2016	41 MoReg 235
16-01	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies.	Jan. 4, 2016	41 MoReg 153

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15-11	Activates the state militia in response to severe weather that began on December 22, 2015.	Dec. 29, 2015	41 MoReg 151
15-10	Declares a state of emergency and directs that the Missouri State Emergency Operations Plan be activated due to severe weather that began on December 22, 2015.	Dec. 27, 2015	41 MoReg 149
15-09	Directs all Missouri Executive Branch agencies, as well as strongly encourages all private employers, to review and determine how the practices contained in the Harry S Truman School of Public Affairs preliminary guidelines and, eventually the Pay Equity Best Practices Guidelines, can be utilized by their agency or business and to identify and address any gender wage gap in order to ensure that all Missourians receive equal pay for equal work.	Dec. 4, 2015	41 MoReg 71
15-08	Closes state offices Nov. 27, 2015.	Nov. 6, 2015	40 MoReg 1630
15-07	Dedicates and renames the state office building located at 8800 East 63rd Street in Raytown, Missouri, in honor of Joseph Patrick Teasdale, the 48th governor of the state of Missouri.	Oct. 28, 2015	40 MoReg 1628
15-06	Lays out policies and procedures to be adopted by the Executive Branch of state government in procuring goods and services to enhance economic health and prosperity of Minority and Women Business Enterprises. This order supercedes Executive Order 05-30.	Oct. 21, 2015	40 MoReg 1624
15-05	Extends Executive Order 15-03 until August 14, 2015.	July 14, 2015	40 MoReg 1012
15-04	Orders all departments, agencies, boards, and commissions to comply with the Obergefell decision and rescinds Executive Order 13-14.	July 7, 2015	40 MoReg 1010
15-03	Declares a state of emergency exist in the State of Missouri and directs that the Missouri State of Emergency Operations Plan be activated.	June 18, 2015	40 MoReg 928
15-02	Extends Executive Order 14-06 and orders that the Division of Energy deliver a state energy plan to the governor by October 15, 2015.	May 22, 2015	40 MoReg 833
15-01	Appoints Byron M. Watson to the Ferguson Commission to fill the vacancy created by the resignation of Bethany A. Johnson-Javois.	Jan. 2, 2015	40 MoReg 173

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